

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes (Deputy Mayor)
C Cherry
R Cooper
J Owen
W Polglase

Minutes

Ordinary Council Meeting Thursday 21 June 2018

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at 5.30pm

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The Meeting commenced at 5.33pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Pryce Allsop, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase.

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Robert Spence.

Galatians 6:9 - And let us not lose heart in doing good for in due time we shall reap if we do not grow weary.

Father, we thank you for this day, we lift up all those that are present in this leadership position in our council today. We pray that they may be endowed with wisdom, strength and justice to administer their duties in a manner that is right and pleasing in Your sight.

Give them the wisdom to rightly and justly administer the laws within our Shire and to carry out their judgements and decisions with respect for You.

We pray for insight and integrity in the decisions they have to reach and we will give You all the glory and praise.

In Jesus Name we pray.

Amen.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 17 May 2018

277

Cr P Allsop
Cr W Polglase

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 17 May 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 June 2018

278

Cr P Allsop
Cr W Polglase

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 June 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

a2 LATE [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Thursday 14 June 2018

LATE ITEM

279

**Cr P Allsop
Cr W Polglase**

RESOLVED that Item a2 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

280

**Cr P Allsop
Cr W Polglase**

RESOLVED that the Minutes of the Extraordinary Council Meetings held Thursday 14 June 2018 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

APOLOGIES

Attendee Cr R Byrnes has informed the General Manager that his absence is caused by being absent from the Shire with work commitments.

Attendee Cr C Cherry has informed the General Manager that her absence is caused by being absent from the Shire.

281

**Cr K Milne
Cr W Polglase**

RESOLVED that the apologies of Cr R Byrnes and Cr C Cherry be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

DISCLOSURE OF INTEREST

a

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 21 June 2018

The Schedule of Outstanding Resolutions as at 21 June 2018 were received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for May 2018

282

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of May 2018 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.
 - 21-23 Oct Local Government NSW Annual Conference - Entertainment Centre, 525 Swift Street, Albury NSW.

Cr W Polgalse, Cr K Milne and Cr J Owen expressed interest in attending with Cr Polgalse nominating Cr C Cherry to also attend pending her availability.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

SUSPENSION OF STANDING ORDERS

283

Cr K Milne
Cr R Cooper

RESOLVED that Standing Orders be suspended to deal with Item 41 of the Agenda being a late Mayoral Minute

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

41 **LATE [MM-CM] State Government Funding - Richmond Tweed Regional Library**

LATE ITEM

284

Cr K Milne
Cr R Cooper

RESOLVED that Item 41 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

285

Cr K Milne

PROPOSED that Council writes to the Minister for the Arts and requests details of how the changes to State Library funding announced in the 2018/2019 State Budget will affect Tweed Shire Council residents and the service area of the Richmond Tweed Regional Library.

AMENDMENT

286

Cr J Owen
Cr W Polglase

RESOLVED that Council seeks confirmation from the Minister's Office that monies from the Public Library Infrastructure Grants Fund and the Annual Subsidy Payments have been replaced by \$5M from Regional Cultural Fund that will be used to fund Public Library Infrastructure.

The Amendment was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

The Amendment on becoming the Motion was **Carried** - (Minute No 286 refers)

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

RESUMPTION OF STANDING ORDERS

287

Cr K Milne
Cr R Cooper

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

a4 Retirement - Manager Corporate Governance, Neil Baldwin

The Mayor advised that this Council meeting would be the final meeting as Public Officer for the Manager Corporate Governance, Neil Baldwin.

Cr Milne thanked Neil for his service and dedication adding that she has appreciated his assistance, patience, eye for detail and professionalism.

Cr J Owen acknowledged Neil noting that a first term of Council is a difficult process and that he has had the advantage of the best seat in Chamber, sitting next to Neil who has given guidance, knowledge and experience and will be missed.

Cr W Polglase noted that Neil's name had come forward following the retirement of the previous Manager and it was unanimous that he be given the job due to his many years knowledge of Local Government and the Local Government Act. He added that Neil administers to the elected members without fear or favour and has given his experience and

support to elected body and the organisation also without fear or favour. His advice has always been good and responsive. Cr Polglase also passed his best wishes onto Neil and Carol Baldwin in a long a happy retirement.

Cr P Allsop commented that Neil was a champion and great to have as a team leader, keeping all in order and that he was sorry to see him go.

Cr R Cooper acknowledged Neil and commented that it was great to work with him.

The General Manager, Troy Green echoed sentiments expressed and noted that personally Neil will be missed.

A Job offer as Manager Corporate Governance has been made this week with verbal acceptance. Further details will be communicated when the offer is official. In the meantime Shane Davidson will assume the role of Manager for the interim period.

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions at 21 June 2018

288

Cr P Allsop
Cr K Milne

RESOLVED that the following tabled Petition(s) be received and noted:

- Petition received on 30 May 2018 containing 18 signatures:

"... regarding the Preservation of Iconic Poinciana Trees in Frangela Drive

We the undersigned residents living near the intersection of Frangela Drive and Byangum Road request council to do everything possible to preserve the Poinciana trees, that line the nature strip at the top end of Frangela Drive, as works are carried out to replace the existing mains water line. A water main under the section of the road would be (an) acceptable."

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

ORDERS OF THE DAY

Nil.

QUESTIONS ON NOTICE

6 [QoN-Cr P Allsop] Crown Land Leases

QUESTION ON NOTICE:

Councillor P Allsop asked:

Could you please provide to Council the ongoing cost to council per annum for Crown Land leases?

Given the vote at the Council Meeting on 17 May 2018 that moved against the Council staff recommendation on Item 29 [PCG-CM] Land Negotiation Program - Crown Lands - vote Not to participate, please advise any projects that may be delayed or resulting in Council having to make acquisitions of land or buildings.

The Executive Manager People, Communication and Governance responded as follows:

*In relation to the first part of the question I can advise Crown land lease/licence payments for the last twelve months totalled **\$83,521.05**.*

As to the second part of the question there are a number of projects that will be impacted by the decision and these include:

- 1. In order for Council to link the new coastal cycleway fronting the newly refurbished Kingscliff Holiday Park with the existing cycleway to the north of the Kingscliff Bowls Club, it is necessary to traverse a parcel of land that is subject to a NSW Aboriginal Land Claim. The Aboriginal Land Claim section of the NSW State Government have advised Council that this claim is a low priority and may not be determined for some time. The TBLALC, Crown Lands and TSC had agreed that the Crown Land negotiation process would be the ideal process to negotiate an agreement on this parcel of land and potentially provide to the TBALC some Community Land that is of significance to them. The withdrawal of Council from the negotiations mean that these negotiations won't take place and the timeframe for determining the claim over the Kingscliff parcel is unknown.*

2. *Council currently leases the Les Burger Fields at Cabarita from the State Government for an annual lease fee of approximately \$5000. Council is Trustee of other sportsfields on the coast where no fee is payed. Council could have been appointed Reserve Manager over these fields through the negotiations resulting in waiving of the annual fee.*
3. *Currently Council is Trustee of the Crown Reserve over which the Round Mountain Pony Club (RMPC) operates. The RMPC has exclusive use of this area and Council as Trustee has little involvement with the running of the facility but still bears liabilities for activities on the site. Through the process Council would have sought to have the RMPC appointed as Reserve Managers (as with the show ground, Burringbar and Tyalgum Reserves) removing the liability from Council.*
4. *Currently a Crown Reserve in Pottsville for which Council is not Trustee includes the Pottsville Tennis Courts, the public toilets, Memorial Oval sports field club facilities and a portion of Pottsville Memorial Oval. Council is managing and maintaining these facilities including issuing licences while not Trustee. This tenure could have been resolved through the negotiation process.*
5. *Jack Evans Boat Harbour consists of 7 Crown Reserves with a number of different reserve purposes over which Council is Trustee for 3. It was proposed to facilitate the rationalisation of these reserves and appointment of Council as land manager through the negotiation process. Should Council wish to pursue the rationalisation of these reserves and be appointed Reserve Manager over them it will need to request Crown lands to consider this outside of the negotiation process. Ultimately the decision on how Council wishes to proceed on this matter will impact the final development of the Plan of Management for Jack Evans Boat Harbour.*
6. *Council is the Trustee of Crown land on which the Tweed Heads SES and Unlimited Arts Inc reside at Banora Point. Council currently pays an annual fee of \$5938 +GST for occupation by the Tweed Heads SES Unit. An existing five year lease agreement for the occupation of the SES is to expire on 14 February 2019 with no extension permitted. Council has been advised of the option to purchase the site at a cost of \$600,000 (2013 valuation) or relocate the SES. Council could have used the Crown Lands negotiation review process to secure the Banora Point site at nil cost and resolve the long term tenure of the SES site at Banora Point. Council was currently exploring alternate sites however the SES has this week indicated that they wish to remain on the Banora Point site due to access and proximity to residents at risk. Council will therefore need to begin negotiations to acquire the site at market value which is expected to now exceed the \$600,000 original valuation and will need to find the funds within the budget to meet this cost. This is a statutory responsibility of Council and an essential service for our community. It represents the single greatest monetary cost in Council's decision not to participate in the Crown Lands Negotiation process.*

Unlimited Arts Inc hold an existing 5x2yr agreement, commencing Dec 2012, with the Trust.

7. *Council is the Trustee (Pottsville Bush Fire Brigade Reserve Trust) of Crown Land on which Tweed Coast SES and RFS Units reside at Pottsville. The existing 10yr licence expires 13 Dec 2022. The annual rent is approximately \$500. Council will need to either acquire the site from Crown Lands before this date or attempt to negotiate a new lease term.*
8. *There are currently also two Council Resolutions that request Council to work with the local State Member and Crown Lands to secure land for:*
 - i) The Pottsville Men's Shed; and*
 - ii) Land for Tiny Homes*

Not participating in the Crown Lands Negotiation process has meant that Tweed's land negotiation requests have been reprioritised below other councils who can more efficiently participate in the process and resolve their crown land issues in a bulk process in consultation with Crown Lands and their respective land Aboriginal Land Councils. Therefore staff can no longer influence the priorities of these Resolutions with Crown Lands.

A NOTICE OF RESCISSION HAS BEEN RECEIVED FROM CRS P ALLSOP, W POLGLASE AND J OWEN ON ITEM 29 OF THE COUNCIL MEETING HELD 17 MAY 2018 [GM-CM] CROWN LAND NEGOTIATION PROGRAM

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Proclamation of Northern Rivers Joint Organisation

289

**Cr R Cooper
Cr K Milne**

RESOLVED that the update on the establishment of the Northern Rivers Joint Organisation, with the first meeting proposed to be held on 22 June 2018, be received and noted.

The Motion was Carried

FOR VOTE - Cr R Cooper, Cr K Milne, Cr J Owen, Cr P Allsop

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

PROCEDURAL MOTIONS

290

Cr J Owen
Cr P Allsop

RESOLVED that Items 8 to 39, with the exception of Item(s) 19, 24 and 31, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

291

Cr J Owen
Cr P Allsop

RESOLVED that Items 8 to 39, with the exception of Item(s) 19, 24 and 31, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

8 [GM-CM] Business Plan for the Murwillumbah Show

292

Cr J Owen
Cr P Allsop

RESOLVED that:

1. Council receives and notes the 2018-2021 Business Plan prepared by Luminair Consulting for the Murwillumbah Show.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Development Application DA17/0824 for a Dwelling Swimming Pool, Pool Pavilion, Barn, Driveway Access (Stage 1) and Three Lot Subdivision (Stage 2) at Lot 7 DP 233498 No. 9A Terranora Parade, Bilambil Heights

293

Cr J Owen

Cr P Allsop

RESOLVED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 20 of Tweed Local Environmental Plan 2000 regarding minimum lot sizes be supported and the concurrence of the Director-General of the Department of Planning, dated 18 January 2018 be assumed.
- B. Development Application DA17/0824 for a dwelling, swimming pool, pool pavilion, barn, driveway access (Stage 1) and three lot subdivision (Stage 2) at Lot 7 DP 233498 No. 9A Terranora Parade, Bilambil Heights be approved subject to the following conditions:

GENERAL

- The development shall be completed in accordance with the Statement of Environmental Effects and the following Plans:

Plan	Plan Number	Dated	Prepared by
Site Plan	GO449 DA-00-003 D	06.2017	Northerly Aspect
Part Site Plan	GO449 DA-00-004 D	06.2017	Northerly Aspect
Lot 1- Site Plan Lot 2 - Site Plan	GO449 DA-00-008 B	06.2017	Northerly Aspect
Upper Floor Plan (Dwelling)	GO449 DA-10-001 B	06.2017	Northerly Aspect
Lower Floor Plan (Dwelling)	GO449 DA-10-002 B	06.2017	Northerly Aspect
Roof Plan (Dwelling)	GO449 DA-10-003 B	06.2017	Northerly Aspect
Upper Floor Plan Roof Plan (Garage)	GO449 DA-10-007 B	05.2018	Northerly Aspect
Pavilion Plan and Pavilion Roof Plan	GO449 DA-10-004 B	06.2017	Northerly Aspect
Barn Floor Plan and Mezzanine Plan	GO449 DA-10-005 D	06.2017	Northerly Aspect
Site Section-AA Site Section-BB Key Plan	GO449 DA-20-001 B	06.2017	Northerly Aspect
Site Section-CC Key Plan	GO449 DA-20-002 A	06.2017	Northerly Aspect
Site Section-AA Site Section-BB (with adjoining dwelling)	GO449 DA-20-001 C	06.2017	Northerly Aspect
Section (Out Bldg Barn) and Section	GO449 DA-20-003 D	06.2017	Northerly Aspect
Elevation 01 (dwelling)	GO449 DA-30-001 B	06.2017	Northerly Aspect
Elevation 02 (dwelling)	GO449 DA-30-002 B	06.2017	Northerly Aspect
Elevation 03 (dwelling)	GO449 DA-30-003 A	06.2017	Northerly Aspect
Elevation 04 (dwelling)	GO449 DA-30-004 A	06.2017	Northerly Aspect
Elevation 01, 02, 03, 04 (Pavilion)	GO449 DA-30-005 A	06.2017	Northerly Aspect
Elevation 01, 02, 03, 04 (Barn)	GO449 DA-30-006 D	06.2017	Northerly Aspect
Materials Palette	GO449 DA-30-007 A	06.2017	Northerly Aspect

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

5. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[GEN0155]

6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

7. The development shall provide the following infrastructure services:

- A 3 metre wide easement shall be created over the existing Sewerage Main and burdening Lot 7 in DP 233498 and benefiting Tweed Shire Council.
- Provide a 3-metre wide easement over the existing 450mm stormwater within proposed Lot 2.
- Proposed Lots 1 and 2 shall connect to the adjacent sewer junctions to the existing 150mm diameter sewer located behind the boundary to the rear of each proposed Lot.
- Lot 2 shall be provided with a new Water Service.
- Extend the 100mm Water Main from the intersection of the unformed Road Reserve, Simpson Drive, Sierra Vista Boulevard.
- Provide a Water Service for proposed Lot 3 from the new Water Main extension.
- Provide an On Site Waste Water System (OSSM) to service proposed Lot 3.

8. Materials and colours are to be in accordance with the approved Material Palette, unless otherwise approved by Council.

9. Provide an On Site Waste Water System (OSSM) to service proposed Lot 3.

10. Materials and colours are to be in accordance with the approved Material Palette, unless otherwise approved by Council.
11. The approved development shall not result in any clearing of native vegetation for any purpose without prior approval from the relevant authority. Native vegetation shall be appropriately managed during the construction period in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites*.
12. All activities shall comply with the Plan of Management for Land Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforests) dated March 2018 prepared by DAC Planning Pty Ltd and associated Dwg. Sk.5 Issue B Wetland Protection Area plan dated February 2018 prepared by Cozens Regan Group, for the life of the development.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. A general plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. This plan shall only be required in proximity to the proposed dwelling and outbuildings upon Lot 3 to complement the existing vegetation onsite. The plan shall not compromise any requirements of the conditions applied to this consent pursuant to 100B of the Rural Fires Act, relating to Planning for Bushfire Protection.

[PCC0585]
14. Any fencing is to be in a form that will not impede overland water flows.

[PCC0725]
15. The footings, floor slab and structural elements (stage 1) are to be designed by a practising Structural Engineer in accordance with the recommendations with report by Geotech Investigations Pty Ltd dated 16 November 2017 - Project Ref: G1 3004-B and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]
16. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
 - (a) copies of compliance certificates relied upon
 - (b) detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
 - Water Supply Works
 - Sewerage Works
 - Stormwater Drainage
 - Driveway Access
 - Sedimentation and Erosion Management Plans

- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*
- Including submission of Electrical Reticulation and Telecommunication Plans.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

17. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with the Waste Management Plan prepared by HMC Environmental Ref: HMC 2016.147.1 and dated October 2016.

[PCC1065]

18. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

19. For developments containing less than four attached or detached strata dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

20. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

21. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

22. Prior to the issue of a Construction Certificate for Subdivision Works, application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e.: the provision of water and sewerage to the development.

Note:

- (a) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
- (b) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC1335]

23. The proposed water infrastructure on the Civil Works Plan submitted are considered to be preliminary and are subject to change to meet Council requirements. This includes a redesign of the water main proposed in the road reserve to the South of the subject lot so that it meets TSC Development Design Guidelines D11 - Water Supply, which shall be undertaken as part of Section 68 submission requirements.

[PCCNS01]

24. The heights of the proposed buildings exceed the Obstacle Limitation Surface (OLS) for Gold Coast Airport, and therefore represent a "controlled activity" under the Commonwealth Airports Act. Approval will be required under the Airports (Protection of Airspace) Regulations prior to construction, for which an application is to be made to Gold Coast Airport Pty Ltd. Separate approval will also be necessary for use of cranes or other equipment used during construction that would exceed the OLS, with a minimum of 8 weeks' notice.

25. A suitably scaled Tree Protection Plan detailing tree protection measures in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites* shall be submitted and approved by Council's General Manager or delegate prior to issue of Stage 1 construction certificate.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

26. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

27. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

28. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

29. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

30. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

31. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

32. Subdivision work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:

- (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and
- (b) the person having the benefit of the development consent:
- (i) has appointed a Principal Certifying Authority,
 - (ii) has appointed a Certifying Engineer to certify the compliance of the completed works.
- The Certifying Engineer shall be a Professional Engineer (Civil) with National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating currency of the above accreditation, and
- (iii) has notified the Consent Authority and the council (if the council is not the Consent Authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0815]

33. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

34. Council shall be advised if bulk fill is to be removed from the site. Council shall be advised of the destination of this fill.

[PCWNS01]

DURING CONSTRUCTION

35. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

[DUR0005]

36. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

37. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

38. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

39. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

40. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - (b) The chute shall be located in a position approved by the Principal Certifying Authority.
 - (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
- [DUR0385]
41. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
- [DUR0395]
42. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.
- [DUR0405]
43. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.
- [DUR0415]
44. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
 - (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- [DUR0425]
45. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR0445]
46. To ensure that the buildings and associated structures (stage 1) are correctly positioned on the site, a report prepared by a registered surveyor is to be submitted to the principal certifying authority at footings/formwork stage and at the completion of the structures indicating that the buildings and associated structures (stage 1) have been correctly positioned on the site in accordance with the approved development consent plans/consent conditions and has been located clear of any easements/sewer main.
- [DUR0495]

47. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
48. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent. [DUR0905]
49. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
50. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0995]
51. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
52. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
53. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
54. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.3 -2010 & AS 1926.2-2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.
 - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
-

(d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

(e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

55. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

56. The proposed swimming pool is to be sited a minimum distance of 6 metres from any effluent disposal area.

[DUR2105]

57. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

58. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

59. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

60. Plumbing

(a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

(b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

61. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR2525]
62. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
63. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]

64. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act. [DUR2625]
65. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for Proposed Lot 3 from the proposed water main in the road reserve to the South of the subject lot. The connections shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant. [DUR2800]
66. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008. [DUR2835]
67. Works in the vicinity of public infrastructure must comply with the following requirements:
- a) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, concrete slab with construction joints along the alignment of the sewer easement (or one meter from the sewer if no easement exists) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
 - b) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.

68. All Stage 1 and Stage 2 works shall be undertaken in accordance with the approved Tree Protection Plan.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

69. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

70. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

71. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

72. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building.

[POC0245]

73. Prior to the issue of an occupation certificate for the use of the swimming pool, the owner is to contact the local Rural Fire Services to arrange and install a static water supply identification plate.

[POC0315]

74. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

75. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

76. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building. [POC0475]
77. Upon completion of the pool the builder is to submit to the Principal Certifying Authority a certificate stating that the "Water Recirculation System" has been installed in accordance with AS 1926.3-2010. [POC0905]
78. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility. [POC1035]
79. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council. [POC1040]
80. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1055]
81. The swimming pool or spa is required to be registered at www.swimmingpoolregister.nsw.gov.au prior to the issue of any occupation certificate for the swimming pool or spa. [POC1100]

USE

82. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like. [USE0125]
83. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise. [USE0175]
84. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. [USE0225]
85. The Pavilion and Studio within the Barn are not to be used or adapted for separate residential habitation or occupation. [USE0465]

86. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[USE1510]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

87. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

88. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's Certificate of Compliance signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Stage 1:

Water = 1.2 ET @ \$13,632 = \$13,632

Sewer = 0 ET

Stage 2:

Water = 2.0 ET @ \$13,632 = \$27,264.00

Sewer = 2.0 ET @ \$6,549 = \$13,098.00

[PSC0165]

89. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Section 7.11 Plan.

A Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- | | |
|--|--------------|
| (a) Tweed Road Contribution Plan:
13 Trips @ \$3048 per Trips
(\$2,836 base rate + \$212 indexation)
S7.11 Plan No. 4
Sector4_4 | \$25,448.29* |
| (b) Open Space (Casual):
2 ET @ \$564 per ET
(\$502 base rate + \$62 indexation)
S7.11 Plan No. 5 | \$733.20* |
| (c) Open Space (Structured):
2 ET @ \$645 per ET
(\$575 base rate + \$70 indexation)
S7.11 Plan No. 5 | \$838.50* |
| (d) Shirewide Library Facilities:
2 ET @ \$869 per ET
(\$792 base rate + \$77 indexation)
S7.11 Plan No. 11 | \$1,129.70* |
| (e) Eviron Cemetery:
2 ET @ \$127 per ET
(\$101 base rate + \$26 indexation)
S7.11 Plan No. 13 | \$165.10* |
| (f) Community Facilities (Tweed Coast - North)
2 ET @ \$1457 per ET
(\$1,305.60 base rate + \$151.40 indexation)
S7.11 Plan No. 15 | \$1,894.10* |
| (g) Extensions to Council Administration Offices
& Technical Support Facilities
2 ET @ \$1935.62 per ET
(\$1,759.90 base rate + \$175.72 indexation)
S7.11 Plan No. 18 | \$2,516.31* |
| (h) Cycleways:
2 ET @ \$490 per ET
(\$447 base rate + \$43 indexation)
S7.11 Plan No. 22 | \$637* |

(i) Regional Open Space (Casual)
2 ET @ \$1132 per ET \$1,471.60*
(\$1,031 base rate + \$101 indexation)
S7.11 Plan No. 26

(j) Regional Open Space (Structured):
2 ET @ \$3974 per ET \$5,166.20*
(\$3,619 base rate + \$355 indexation)
S7.11 Plan No. 26

* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

[PSC0175]

90. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

91. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

(a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;

(b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

92. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

93. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

94. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.

[PSC0845]

95. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

96. Prior to registration of the Plan of Subdivision for each stage of development, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) submission of all documentation electronically (in pdf format), plus the original Plan of Subdivision (and original Admin Sheets) prepared by a registered surveyor together with any applicable, original 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council's Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

97. In conjunction with the application for a Subdivision Certificate, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

- (a) Water Reticulation
- (b) Sewerage Reticulation
- (c) Drainage
- (d) Driveway Access

Note:

1. All compliance certificate applications for Subdivision Works must be accompanied by documentary evidence from the developers Certifying Engineer, certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

[PSC0915]

98. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

99. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PSC1115]

100. The production of written evidence from the local telecommunications supply authority certifying that the provision of underground telecommunications at the front boundary of the allotment has been completed.

Unless agreed otherwise by Council an acceptable form is Telstra's "*Telstra Network Infrastructure Letter*" or NBN's "*Provisioning of Telecommunication Services - Confirmation of final payment*" letter (for small subdivisions)/ "*Certificate of Practical Completion of NBN network infrastructure*" letter (for large subdivisions) (as applicable to the development).

The NBN letter must reference:

- Over which Lot and Deposited Plan the agreement applies to,
- Identification of the number of lots to be serviced

[PSC1165]

101. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and

- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

An acceptable form is Essential Energy's "*Notice of Arrangement*".

Unless agreed otherwise by Council, the form must reference:

- Over which lot and deposited plan did the arrangement for the provisioning of electricity (and street lighting, as applicable) apply to,
- Identification of the proposed lots to be created that have been serviced, or the development stage to which the arrangement applies.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

102. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 68 of the Local Government Act 1993.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property surrounding the proposed dwelling located on Lot 3 shall be maintained for a distance of 25 metres or to the property boundary, whichever comes first, as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. At the issue of a subdivision certificate, an asset protection zone (APZ) of 19 metres shall be provided to the southwest from any future dwelling located on proposed Lot 1, of this APZ 8 metres shall be maintained within the subject lot and the remaining 11 metres within proposed Lot 3. The APZ shall be managed as an inner protection area (IPA) as outlined in 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Where the APZ extends in to proposed Lot 3 a suitably worded instrument(s) pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed on the relevant lots which requires the ongoing provision of the APZs and prohibits the construction of buildings other than class 10b structures within the APZs. The name of authority empowered to release, vary or modify the instrument shall be Tweed Shire Council.

3. At the issue of a subdivision certificate, an asset protection zone (APZ) of 25 metres shall be provided to the southwest from any future dwelling located on proposed Lot 2, of this APZ 8 metres shall be maintained within the subject lot and the remaining 17 metres within proposed Lot 3. The APZ shall be managed as an inner protection area (IPA) as outlined in 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Where the APZ extends in to proposed Lot 3 a suitably worded instrument(s) pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed on the relevant lots which requires the ongoing provision of the APZs and prohibits the construction of buildings other than class 10b structures within the APZs. The name of authority empowered to release, vary or modify the instrument shall be Tweed Shire Council.

4. Where the asset protection zones (APZ) are located on slopes greater than 18 degrees, the APZ shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Councillor the principal certifier with the construction certificate.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

5. In recognition that an unreliable water supply exists, a 20,000 litre water supply shall be provided on the site in accordance with 'Planning for Bush Fire Protection 2006' and the following:
 - Aboveground tanks shall be constructed of non-combustible material.
 - A 65mm metal storz fitting and ball or gate valve shall be installed in any tank.

- The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal rather than plastic.
- A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be:
 - (a) fixed in a suitable location so as to be highly visible;
 - (b) positioned adjacent to most appropriate access for the static water supply;
 - (c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - (d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign; and,
 - (e) fixed with suitable screws or nails.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

6. The property access road shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006' except where modified in Section 7.0 Access of the submitted bush fire report prepared by Bushfire Certifiers (Dated 24 October 2017, Referenced 17/308).

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. Construction of the proposed dwelling shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

10 [PR-CM] Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy

294

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. Council endorses the public exhibition of the Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy for a period of 28 days allowing 42 days for submissions; and
2. A further report be brought back to Council following the exhibition of the draft policy.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry**

11 [PR-CM] Preparing a Scenic Landscape Strategy with Community and Stakeholders, Related Draft Council Policy and DCP Amendment

295

**Cr J Owen
Cr P Allsop**

RESOLVED that Council endorse:

1. The Draft Scenic Landscape Strategy be publicly exhibited for a period not less than 60 days during which community and stakeholder engagement is to be conducted to assist staff with the trial and testing of the Strategy;
2. The Scenic Landscape Policy is to be concurrently exhibited with the Strategy for a period not less than 60 days; and,
3. The proposed amendment of *Tweed Development Control Plan 2008* shall be publicly exhibited so as to comply with Clause 18 of the *Environmental Planning and Assessment Regulation 2000* but for a period not less than 60 days.
4. A further report be submitted to Council detailing the findings of the public exhibition and engagement for these three policies and any amendments considered appropriate.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] RFO2018048 Project Management Services - Waste Infrastructure

296

Cr J Owen

Cr P Allsop

RESOLVED that in respect to Contract RFO2018048 Project Management Services, Waste Infrastructure:

1. Council awards the offer to Upright Management, ABN 93156175969, to provide project management services for three (3) years, commencing at the date of award, for the value of \$475,200.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

13 [CNR-CM] Tweed Regional Gallery Deductible Gift Recipient (DGR) Policy and Collection Accession and De-Accession Policy

297

**Cr J Owen
Cr P Allsop**

RESOLVED that Council:

1. Adopts the updated Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy (Version 1.1).
2. Exhibits the draft Tweed Regional Gallery Collection and De-Accession Policy (Version 1.0) for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

14 [CNR-CM] Sustainable Agriculture Small Grants Program

298

**Cr J Owen
Cr P Allsop**

RESOLVED that Council:

1. Endorses the implementation of a Sustainable Agriculture Small Grants Program for a one-year pilot and votes the expenditure of up to \$21,000 from the Sustainable Agriculture Program subject to the adoption of the 2018/2019 budget.
2. Receives a report at the completion of the one-year pilot detailing the outcomes and achievements of the Grant Program and the feasibility of extending the Program.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

15 [CNR-CM] Draft Aboriginal Statement of Commitment Policy

299

**Cr J Owen
Cr P Allsop**

RESOLVED tThat Council endorses the Draft Aboriginal Statement of Commitment Policy for public exhibition for a period of 28 days, allowing 42 days for submissions.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

16 [CNR-CM] Continuity of Support (CoS) Programme Funding 2018-2019

300

**Cr J Owen
Cr P Allsop**

RESOLVED that Council:

1. Accepts the funding offer for the two clients under the Continuity of Support (CoS) Programme.
2. Includes the funding in its Budget to reflect the acceptance of the grant and associated expenditure.
3. ATTACHMENTS 1-4 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

17 [CNR-CM] Commonwealth Home Support Program Funding Extension 2018
- 2020

301

Cr J Owen
Cr P Allsop

RESOLVED that Council:

1. Accepts the funding extension for the Commonwealth Home Support Program to 30 June 2020.
2. Amends its Budget and Long Term Financial Plan to reflect the acceptance of the grant variation and associated expenditure.
3. ATTACHMENTS 1-7 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS FROM THE DIRECTOR ENGINEERING

18 [E-CM] Blackspot Funding Offer 2018/2019

302

Cr J Owen
Cr P Allsop

RESOLVED that:

1. Council endorses the Acting General Manager's acceptance of grant funding offers under the Federal Government's Blackspot Funding Programme for 2018/2019.
2. The Federal Government's Blackspot Funding Programme total of \$1,305,798 be voted and included in the September quarterly budget review for the 2018/2019 budget.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

19 [E-CM] National Class 2 B-double Authorisation Notice 2018

303

Cr W Polglase
Cr P Allsop

RESOLVED that Council authorises the Manager Roads and Stormwater to provide Road Manager's consent to the *National Class 2 B-double Authorisation Notice 2018*.

The Motion was **Carried**

FOR VOTE - Cr R Cooper, Cr J Owen, Cr W Polglase, Cr P Allsop
AGAINST VOTE - Cr K Milne
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

20 [E-CM] Classification of Land as Operational - Lot 6 DP 31026 at Kyogle Road, Bray Park

304

Cr J Owen
Cr P Allsop

RESOLVED that Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 6 in DP 31026 at Kyogle Road, Bray Park as "Operational Land".

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

21 [E-CM] Road Closure Application - Double View Road

305

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. Council approves the closure and purchase of the section of road reserve adjacent to and dissecting Lot 7 in DP1133505 at Double View Road, Farrants Hill, and
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer, and
3. The title of the closed road is consolidated with the adjacent land, and
4. The applicant creates a right of carriageway 5 wide over the track in use benefiting Lot 20 DP1229076, Lot 2 DP558811 and Lot 9 DP868291, and
5. Easements be created over public authority reticulation services, if any, and
6. All necessary documentation be executed under Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

22 [E-CM] Proposed Disposal of Council Land - 218 Kennedy Drive, Tweed Heads West

306

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. Council approves the advertising of its intention to dispose of Council land being Lot A in DP 407658 in accordance with Council's Policy for the Disposal of Land.

2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

23 [E-CM] Road Flood Damage Restoration Update

307

Cr J Owen

Cr P Allsop

RESOLVED that Council notes that it is anticipated that 42% (by value) of the March 2017 flood restoration works will be completed by 30 June 2018 as compared to Council's target of 60% and it is planned that all works (with the exception of Byrrell Creek Bridge) will be completed as programmed by 31 December 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

24 [E-CM] B-Double Applications - Meeting held 24 May 2018

308

Cr K Milne

Cr R Cooper

PROPOSED that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 24 May 2018 be received and noted.
 2. Tweed Coast Road from Chinderah to Hastings Point Consent Request No 105955r9v1 (ECM 5258006)
-

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r9v1) for the use of a 19m B-Double truck up to 55t on Tweed Coast Road from Chinderah to Hastings Point is supported subject to the provision of a written assessment of the structural integrity of road assets as per 25m B-double route requirements showing that all road infrastructure on this route is suitable for this weight and length vehicle.

3. Tweed Valley Way Yelgun to Mooball Consent Request No 105955r7v1 (ECM 5254647)

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r7v1) for the use of a 19m B-Double truck up to 55t on Tweed Valley Way from Yelgun to Mooball is supported subject to the provision of a written assessment of the structural integrity of road assets as per 25m B-double route requirements showing that all road infrastructure on this route is suitable for this weight and length vehicle.

AMENDMENT

309

Cr W Polglase

Cr P Allsop

RESOLVED that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 24 May 2018 be received and noted.
2. Tweed Coast Road from Chinderah to Hastings Point Consent Request No 105955r9v1 (ECM 5258006)

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r9v1) for the use of a 19m B-Double truck up to 55t on Tweed Coast Road from Chinderah to Hastings Point is supported subject to an assessment of the structural integrity of road assets as per 25m B-double route requirements.

3. Tweed Valley Way Yelgun to Mooball Consent Request No 105955r7v1 (ECM 5254647)

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r7v1) for the use of a 19m B-Double truck up to 55t on Tweed Valley Way from Yelgun to Mooball is supported subject to an assessment of the structural integrity of road assets as per 25m B-double route requirements.

The Amendment was **Carried**

FOR VOTE - Cr K Milne, Cr J Owen, Cr W Polglase, Cr P Allsop

AGAINST VOTE - Cr R Cooper

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

The Amendment on becoming the Motion was **Carried** - (Minute No 309 refers)

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

25 [E-CM] Recycled Water - Financial Assistance to Tweed River Jockey Club

Cr P Allsop declared a non significant, non-pecuniary interest in Item 25. The nature of the interest is that Cr Allsop is a member of the Tweed River Jockey Club (the subject of the report). Cr Allsop will manage the interest by remaining in the Chamber for discussion and voting on the merits of the matter.

310

Cr J Owen

Cr P Allsop

RESOLVED that Council provides the Tweed River Jockey Club a further \$3,500 financial assistance to complete the recycled water works and commission the recycled water infrastructure.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

26 [E-CM] Annual Indexation of Infrastructure Contribution Rates

311

Cr J Owen

Cr P Allsop

RESOLVED that Council notes the indexation of S7.11 (formerly S94) contribution rates as detailed in this report and in accordance with:

1. The provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000,
2. The ABS Implicit Price Deflator (IPD) index as adopted in each Contribution Plan,
3. The Tweed Shire Council Land Cost index for March 2018 as published in the 2018/2019 Revenue Policy and Statement and adopted in each Contribution Plan and

4. The clause entitled "Adjustment of Contribution Rates" as adopted in each Contribution Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

- 27 [FRIT-CM] Integrated Planning and Reporting framework - 2017/2021 Delivery Program and 2018/2019 Operational Plan

312

Cr J Owen
Cr P Allsop

RESOLVED that Council adopts the following plans, as exhibited and amended:

- Delivery Program 2017/2021;
- Operational Plan 2018/2019;
- Resourcing Strategy 2018 supporting the 2017-2027 Community Strategic Plan
- Revenue Policy and Statement 2018/2019;
- Budget 2018/2019; and
- Fees and Charges 2018/2019.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

- 28 [FRIT-CM] Tweed Heads Jack Evans Boat Harbour - Plan of Management

313

Cr J Owen
Cr P Allsop

RESOLVED that the budget for the year ending 30 June 2018 be amended to include the adjustments outlined below:

Category	Description	Current Vote	Change to Vote
Operating Expenditure	Jack Evans Boat Harbour draft Plan of Management	0	50,000
Operating Expenditure	Eviron gardens VIC recurring costs	77,000	(50,000)
	Net Adjustment		0

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

29 [FRIT-CM] In Kind and Real Donations January to March 2018

314

**Cr J Owen
Cr P Allsop**

RESOLVED that Council notes the total in kind and real donations of \$43,911.55 for the period January to March 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

30 [FRIT-CM] Monthly Investment Report for period ending 31 May 2018

315

**Cr J Owen
Cr P Allsop**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 May 2018 totalling \$311,433,281 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

31 [PCG-CM] Voting Delegates - Local Government NSW - Casual Vacancy Election

316

**Cr W Polglase
Cr J Owen**

RESOLVED that Councillors K Milne, Cr C Cherry, Cr P Allsop and Cr J Owen be nominated as voting delegates for the upcoming election to fill the casual vacancy of Vice President (Rural/Regional councils) on the Board of Local Government NSW.

The Motion was **Carried**

***FOR VOTE - Cr R Cooper, Cr J Owen, Cr W Polglase, Cr P Allsop
AGAINST VOTE - Cr K Milne
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

32 [PCG-CM] Compliments and Complaints Analysis Report for the period 1 January to 31 March 2018

317

**Cr J Owen
Cr P Allsop**

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 January to 31 March 2018.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

33 [PCG-CM] Access to Information Policy Version 1.6

318

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. Council adopts the changes to the Access to Information Policy v1.6 as attached to this report which includes reference to spatial data and the Open Data Hub.
2. The updated Policy is not required to be publicly exhibited in accordance with Section 161 of the Local Government Act 1993 as Council is of the opinion that the amendments are not substantial and it may adopt the amended draft local policy without public exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

34 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 April 2018

319

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 April 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A3. Repealing of Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan

That subject to investigations to determine that there will be no direct impact on the Memorandum of Understanding - Cobaki Broadwater Attachment G to the Terranora Cobaki Broadwater Catchment Management Plan, the Aboriginal Advisory Committee supports the repealing of the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan.

A5. DA16/0852 No. 5 North Hill Court, Tanglewood

That subject to a satisfactory report being provided by the Tweed Byron Local Aboriginal Land Council, the Aboriginal Advisory Committee raises no objection to DA16/0852 No. 5 North Hill Court, Tanglewood and requests that a Tweed Byron Local Aboriginal Land Council monitoring officer be present during any ground disturbance.

GB3. Murwillumbah to Casino Railway

That the Aboriginal Advisory Committee:

- 1. Supports retaining the railway line between Murwillumbah and Casino for train or tram use for the future and to have the rail trail running alongside the track.*
- 2. Requests that Aboriginal Cultural Heritage be a consideration in any rail trail corridor tender specifications.*

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

35 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 10 April 2018

320

**Cr J Owen
Cr P Allsop**

RESOLVED that:

- 1. The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 10 April 2018 be received and noted; and**

2. The Executive Leadership Team's recommendations be adopted as follows:
 1. KPOM Year 3 Annual Report Presentation

That Council writes to the NSW Rural Fire Service Commissioner and detail work to date to implement hazard reduction actions on the Tweed Coast. The letter will also request a meeting with relevant representatives that seeks to identify any options to streamline the assessment and approvals process for hazard reduction on public lands.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

36 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 11 April 2018

321

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 11 April 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

Tourism Sector Alternate Representative to Tweed Coast and Waterways Committee.

That Council endorses Ian Berger as alternate representative for Scott Peterson as the tourism sector representative on the Tweed Coast and Waterways Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

37 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting Held Wednesday 2 May 2018

322

**Cr J Owen
Cr P Allsop**

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) Meeting Held Wednesday 2 May 2018 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry**

38 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 23 May 2018

323

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 23 May 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A3 [LTC] North Arm Road, Murwillumbah

That:

1. *A children's crossing or marked pedestrian crossing is not supported as the RMS Direction prohibits these crossings across 4 lanes of traffic.*
 2. *A yellow 'no stopping' line be installed on North Arm Road adjacent to the median at the pick up and drop off area for Wollumbin High School.*
 3. *A plan for upgraded pedestrian facilities on North Arm Road be brought back to the Committee for consideration.*
-

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A1 [LTC] Cooly Rocks On 2018

That the proposed Cooly Rocks On event from Wednesday 6 June to Sunday 10 June inclusive be supported, subject to:

- 1. NSW Police approval being obtained.*
- 2. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
- 3. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
- 4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
- 5. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
- 6. Adequate public liability insurance being held by the event organiser.*
- 7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
- 8. Consultation with emergency services and any identified issues addressed.*
- 9. Arrangements made for private property access and egress affected by the event.*
- 10. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
- 11. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
- 12. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites).*
- 13. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

A2 [LTC] Coral Street, Tweed Heads

That a "No Parking Area 11pm – 4am" be installed on Coral Street, Tweed Heads north of Eden Street.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

39 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 May 2018

324

**Cr J Owen
Cr P Allsop**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 May 2018 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry***

ADDENDUM ITEMS

Nil.

LATE ITEMS

40 [GM-CM] Destination Tweed Quarterly Report January to March 2018

LATE ITEM

325

**Cr J Owen
Cr K Milne**

RESOLVED that Item 49 being a Late item be dealt with and it be ruled by the Chairman to be of great urgency.

Cr W Polglase temporarily left the meeting at 06:44 PM.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry, Cr W Polglase***

326

Cr J Owen
Cr P Allsop

RESOLVED that:

1. Council receives and notes Destination Tweed's quarterly report for the January to March 2018 quarter.
2. Council endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENT 4 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry, Cr W Polglase

41 **Late [MM-CM] State Government Funding - Richmond Tweed Regional Library**

This Item was dealt with earlier in the meeting (Minute No 285 refers).

CONFIDENTIAL COMMITTEE

Cr W Polglase has returned from temporary absence at 06:45 PM

EXCLUSION OF PRESS AND PUBLIC

327

Cr J Owen
Cr P Allsop

RESOLVED that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

The General Manager reported that the Confidential Committee had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C1 [E-CM] Voluntary House Purchase Scheme - Purchase of Properties

REASON FOR CONFIDENTIALITY:

This report discusses commercial in confidence negotiations which should not be disclosed to the public.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer.

C 37

That:

1. Council approves, subject to the approval of the Office of Environment and Heritage, the purchase of Lots A, B, C and D in DP 6624 comprised in 6 Clarkes Road, Mooball for the amount determined by valuation.
2. Council approves, subject to the approval of the Office of Environment and Heritage, the purchase of Lot 1 in DP 6624 comprised in 20 Pottsville Road, Mooball for the amount determined by valuation.
3. Council approves, subject to the approval of the Office of Environment and Heritage, the purchase of 2 Section 12 in DP 2974 comprised in 6 Holland Street, South Murwillumbah for the amount determined by valuation; and
4. All necessary documentation to be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

C2 [E-CM] Variation Report for Finalised Contracts EQ2014159, RFP2015110, RFO2016029 and RFO2016075

REASON FOR CONFIDENTIALITY:

This report is confidential as it includes information of a contractual nature between Tweed Shire Council and its Contractors of which should not be disclosed to the public.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

C 38

That:

1. Council receives and notes the completed Variations for the following finalised Contracts, as detailed in Confidential Attachment 1:
 - EQ2014159 - Tweed Heads Civic Centre and Library Expansion
 - RFP2015110 - Renovations to the Fingal Head Surf Club Building
 - RFO2016029 - Supply, Construction, Testing and Commissioning of Sewer Pipeline and Associated Works adjacent to Glen Ayr Drive Banora Point (SEW55)
 - RFO2016075 - Design and Construct Contract for Piling works Cudgen Creek Bridge Kingscliff
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

C3 [E-CM] Expression of Interest for the Purchase of 45 Wardrop Street South Murwillumbah

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

C 39

That this report be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

LATE ITEMS IN COMMITTEE

C4 LATE [E-CM] Voluntary House Purchase Scheme - Purchase of 323 Burringbar Road, Upper Burringbar

REASON FOR CONFIDENTIALITY:

This report discusses commercial in confidence negotiations which should not be disclosed to the public.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer.

C 41

That Council:

1. Subject to the approval of funding from the NSW Office of Environment and Heritage, delegates authority to the General Manager to offer up to the amount detailed in the report for the purchase of Lot 1 DP 381507; 323 Burringbar Road, Upper Burringbar.
-

2. If negotiations prove successful, and subject to the approval of funding from the Office of Environment and Heritage, all necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

328

Cr K Milne

Cr P Allsop

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

There being no further business the Meeting terminated at 7.18pm.



**Minutes of Meeting Confirmed by Council
at the Meeting held on
xxx**

Chairman

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