

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 22 March 2018

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
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 5.36pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Reece Byrnes (Deputy 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), Mr Shane Davidson (Executive Officer), and Mrs Maree Morgan (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 Rob Stuttle from Living Waters Church, Tumbulgum.

"Dear Lord,

As we reach the one year anniversary of the 2017 Floods, our thoughts and prayers are for those who suffered, losing possessions, households, business and memories. But especially to those who lost their loved ones, we pray that the comfort of the Holy Spirit will be a reality to them. We thank you for the generosity we saw at the time, from those who volunteered and gave of themselves to help with the recovery of our communities.

With the recent Cyclones above us and the heavy rain below us, this has caused a level of anxiety to rise, as it's happening around the same time as last year. Yet Your Word says, not to be anxious, but with prayer and supplication, with thanksgiving make our request to you.

So with your Word in mind we request that Your peace be over the hearts and minds of the people in our community as we are thankful for the resilience our community and the selfless way they pulled together in a time of tragedy.

We also pray for those on the Mid North Coast and those in Tathra who have been in the face of their own natural disasters. As a community that has "been there", we reach out with our hearts & prayers for them today.

As council sits today to preside over matters concerning Tweed Shire, I pray that you will guide them as they represent the people of this great Shire that we all call home.

In Jesus name we Pray.

Amen."

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 February 2018

82

Cr W Polglase
Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 February 2018 be adopted as a true and accurate record of proceedings of that meeting including the following amendments.

The Declarations of Interest to be amended to read:

*Cr K Milne wishes to declare a perceived non-**significant** pecuniary interest in Item 33, [E-CM] Provision of Wholesale Water Supply and Wastewater Services. The nature of the interest is that Cr Milne was involved in previous legal matters with the Chairman of the subject company. Cr Milne will manage the interest by remaining in the Chamber for discussion and voting on this item.*

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 C Cherry

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

83

Cr W Polglase
Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 1 March 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 C Cherry***

LATE ITEM

84

**Cr W Polglase
Cr P Allsop**

RESOLVED that Item a2 being an Addendum 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 C Cherry***

- a2 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Thursday 15 March 2018**

85

**Cr W Polglase
Cr P Allsop**

RESOLVED that the Minutes of Extraordinary Council Meeting held Thursday 15 March 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 C Cherry***

APOLOGIES

Attendee Cr C Cherry has informed the General Manager that her absence is caused by authorised attendance at the Australian Coastal Councils Conference in Geelong.

86

**Cr W Polglase
Cr J Owen**

RESOLVED that the apology of 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 C Cherry***

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 22 March 2018

This report was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for February 2018

87

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of February 2018 be received and noted.
 2. The attendance of Councillors at the following nominated Conferences be authorised:
-

- Cr R Cooper to attend the 2018 Future of Local Government National Summit in Melbourne on 30-31 May 2018.
- Cr C Cherry, Cr W Polglase, Cr J Owen and Cr K Milne to attend the National General Assembly of Local Government in Canberra on 17-20 June 2018.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions at 22 March 2018

88

Cr W Polglase
Cr P Allsop

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

- Petition dated 4 March 2018 containing 11 signatories in relation to Diamond Place, Tweed Heads advising as follows:

"The residents of Diamond Place would like to bring to the council's attention the amount of traffic now using the cul-de-sac for all day parking for the Kennedy Drive Plaza and as a turning point to enter the shopping centre car park, which is often done at speed.

Diamond Place is a small residential cul-de-sac and it is becoming increasingly difficult for residents to drive down the street with cars parked either side of the road or parked the wrong way. Also, the amount of traffic using the cul-de-sac as a turning point to enter the carpark has increased dramatically and people using it for short term parking to "duck" across to the shopping centre.

Currently there is a "No Stopping" sign on the right-hand entrance to Diamond Place however this is having little effect on people using it for parking.

There are many small children living in the nine homes, including a set of triplets (12 months old) a set of twins (18 months old), four other small children and grandchildren being frequent visitors to other residences. A disabled young adult also lives in the cul-de-sac.

We do not wish for residents and their visitors to be excluded from having the ability to park on the street but would like council to find a way to decrease the traffic flow and the street being utilised for short term and long-term parking for people who are not residents.

When the second stage of the Kennedy Plaza Development was lodged with council there were objections placed sighting the increase in traffic as a problem, however council approved the development.

There is now a very busy doctor's surgery, a newly opened cafe and IGA in the shopping centre, while we do not want to exclude people to accessing these businesses something has to be done about the traffic into Diamond Place before there is an accident.

We look forward to a response from council and immediate action for a remedy to this problem, we need to live in a safe residential area."

- Petition received on 19 March 2018 claiming 1000+ signatures however upon review of Council's Code of Meeting Practice Policy under Section 1.5.4 - Receipt of Petitions:

"Petitions submitted to council must include:

- *A clear and concise statement covering the subject matter of the petition. The statement should state what action petitioners want Council to take and*
- *The name, address and signature or email address in the case of electronic petitions of any person supporting the petition.*

To qualify as a 'petition' there must be at least five signatories or email addresses."

It is therefore noted that there are 241 valid signatories in relation to the following:

"B-DOUBLES THROUGH UKI -BRAY PARK - MURWILLUMBAH

Black Mount Pty. Ltd, a water carting company has recently approved on behalf of Mount Warning Spring Water to allow B-Doubles to replace the 15 metre water tankers that currently export ground water from their property at Kunghur. These trucks currently travel backwards and forwards through UKI village and Murwillumbah day & night. This increase in the size of trucks is inappropriate and will have a detrimental effect on the village.

Tweed Shire Council Officers recently recommended that this proposal be approved. This decision has been made by a Traffic Committee with no Development Application process or public consultation. The full council is yet to vote on this.

We the undersigned object to the proposal and call on the Tweed Shire Council to vote against it."

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Cherry

SUSPENSION OF STANDING ORDERS

89

Cr K Milne
Cr J Owen

RESOLVED that Standing Orders be suspended to deal with Items 26 and 27 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

26 **[PR-CM] Development Application DA17/0512 for a Dual Occupancy (Attached), Two Pools and Two Lot Strata Subdivision at Lot A DP 388820 No. 71 Pearl Street, Kingscliff**

90

Cr J Owen
Cr P Allsop

RESOLVED that Development Application DA17/0512 for a dual occupancy (attached), two pools and two lot strata subdivision at Lot A DP 388820 No. 71 Pearl Street, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 03 rev. G, 04 rev. G, 05 rev. G, 06 rev. G, 07 rev. G, 08 rev. G, 09 rev. G, 10 rev. G, 12 rev. G, 13 rev. G, prepared by Storey Design + Drafting and dated 14/11/17, 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. 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]
4. Bushfire 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:

The development is to be constructed in accordance with the Bushfire Management Plan prepared by Planit Consulting dated July 2017.

Construction shall comply with Australian Standard AS3959-2009 'Construction of buildings in Bush Fire-prone areas', Bushfire attack Level (BAL) 12.5 for each dwelling. [GEN0335]

5. Prior to demolition work commencing a sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site. The sign shall remain in place until all asbestos has been removed from the site. [GEN0345]

6. Prior to the commencement of construction of the new structure or use of the site a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the Principal Certifying Authority and Council within 7 days of completion of the 'clearance inspection'. [GEN0350]

7. Both proposed strata lots shall connect to the existing sewer junction at Pearl Street. [GENNS01]

8. All electricity meters onsite shall be readily accessible for reading by electricity suppliers. [GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours (including colour product photo images) for approval. [PCC0175]

10. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the S94 Plan and 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 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- | | |
|--|------------|
| (a) Tweed Road Contribution Plan: 1.3 Trips @ \$1221 per Trips (\$1,137 base rate + \$84 indexation) S94 Plan No. 4 Sector6_4 | \$1,587 |
| (b) West Kingscliff - Drainage: 0.0163 HA @ \$68087 per HA (\$5,664.10 base rate + \$62,422.90 indexation) DCP Section B4 S94 Plan No. 7 | \$1,109.82 |
| (c) West Kingscliff - Open Space: 1 ET @ \$3305 per ET (\$1,849 base rate + \$1,456 indexation) DCP Section B4 S94 Plan No. 7 | \$3,305 |
| (d) Shirewide Library Facilities: 1 ET @ \$869 per ET (\$792 base rate + \$77 indexation) S94 Plan No. 11 | \$869 |
| (e) Bus Shelters: 1 ET @ \$66 per ET (\$60 base rate + \$6 indexation) S94 Plan No. 12 | \$66 |
| (f) Eviron Cemetery: 1 ET @ \$127 per ET (\$101 base rate + \$26 indexation) S94 Plan No. 13 | \$127 |
| (g) Community Facilities (Tweed Coast - North) 1 ET @ \$1457 per ET (\$1,305.60 base rate + \$151.40 indexation) S94 Plan No. 15 | \$1,457 |
| (h) Extensions to Council Administration Offices & Technical Support Facilities 1 ET @ \$1935.62 per ET (\$1,759.90 base rate + \$175.72 indexation) S94 Plan No. 18 | \$1,935.62 |
| (i) Cycleways: 1 ET @ \$490 per ET (\$447 base rate + \$43 indexation) S94 Plan No. 22 | \$490 |

- (j) Regional Open Space (Casual)
1 ET @ \$1132 per ET \$1,132
(\$1,031 base rate + \$101 indexation)
S94 Plan No. 26
- (k) Regional Open Space (Structured):
1 ET @ \$3974 per ET \$3,974
(\$3,619 base rate + \$355 indexation)
S94 Plan No. 26

[PCC0215/POC0395/PSC0175]

11. 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.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid 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:

Water = 1.0 ET @ \$13,632 = \$13,632
Sewer = 1.0 ET @ \$6,549 = \$6,549

[PCC0265]

12. A detailed 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.

[PCC0585]

13. A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control 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.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

- b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

14. 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]

15. 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]

16. If the development is likely to disturb or impact upon telecommunications infrastructure, 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.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

17. The premise Point of Attachment must be at a location that ensures the overhead service does not cross a swimming pool zone as defined by AS/NZS 3000 Wiring Rules.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

18. 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]

19. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

20. 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]

21. 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]

22. 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]
23. 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]
24. 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]
25. 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]

26. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

27. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

28. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

DURING CONSTRUCTION

29. 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]

30. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011.

[DUR0165]

31. 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]

32. 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]

33. Prior to demolition of the structure is commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).

[DUR0335]

34. 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]

35. 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]

36. 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 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

37. 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]

38. 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]

39. 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]

40. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

41. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to the Private Certifier or Council prior to the commencement of works.

[DUR1075]

42. 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]

43. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

44. The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

[DUR2035]

45. 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]

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

[DUR2085]

47. 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]
48. A garbage storage shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management".
[DUR2195]
49. 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]
50. 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]
51. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR2505]
52. 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]
53. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for Lot A DP 388820, from the existing water main in Pearl Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.
[DUR2800]

54. The importation or exportation of waste (including fill or soil) to or from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

55. 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 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

56. 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]

57. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

58. 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]

59. 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]
60. 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]
61. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993. [POC0745]
62. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works. [POC1045]

USE

63. 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]
64. 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]
65. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [USE0735]
66. 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]

The Motion was **Carried**

FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry

27 [CNR-CM] Draft Community Development Operational Planning and Strategies

91

Cr K Milne

Cr J Owen

RESOLVED that:

1. Council notes the preparation of the overarching Draft Community Development Strategy which will replace the Youth Strategy and Action Plan (2013-2017) and in the development of the Strategy it will incorporate other social justice groups as outlined within this report.
2. Councillors be invited to be key contributors and to collaborate with the Community Development team on the community consultation and development of the Community Development Strategy.
3. Council further notes the funding for this Strategy in the amount of \$45,000 is funded from the 2017/2018 recurrent budget A1629 Youth Strategy and A2372 Age Friendly Plan.

The Motion was **Carried**

FOR VOTE – Unanimous

ABSENT, DID NOT VOTE – Cr C Cherry

RESUMPTION OF STANDING ORDERS

92

Cr K Milne

Cr R Byrnes

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE – Unanimous

ABSENT, DID NOT VOTE – Cr C Cherry

ORDERS OF THE DAY

6 [NOR-Cr Owen] Support for Australian Research Council Grant Application - Artificial Surfing Reef

93

**Cr J Owen
Cr P Allsop**

RESOLVED that the resolution from the meeting held on Thursday 20 July 2017 at Minute No 320 Item No 19 titled [CNR-CM] Support for Australian Research Council Grant Application - Artificial Surfing Reef being:

"that Council does not provide in principle support for a prototype Artificial Surf Reef at this time due to estimated costs in the order of \$100,000 not being appropriate in the current post flood financial circumstances."

be rescinded.

The Motion was **Carried**

FOR VOTE - Cr W Polglase, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes

AGAINST VOTE - Cr C Milne

ABSENT. DID NOT VOTE - Cr C Cherry

7 [NOM] Support for Australian Research Council Grant Application - Artificial Surfing Reef

94

**Cr J Owen
Cr W Polglase**

RESOLVED that Council:

1. Supports in principle Offshore Surf Reefs, Griffith University in the preparation of an application for a Cooperative Research Centre Grant for the development of a prototype artificial surf reef, to be located in the surf zone north of Kingscliff, adjacent to the corner of Murphy's Road and McKissock Drive, Kingscliff.
2. In providing this support, is doing so conditional on all costs associated with the investigation, design, insurances, consultation and approvals for the artificial surf reef being met by the applicant, but with technical support and advice being provided by Council officers.

The Motion was **Carried**

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

8 [NOM] Support for Currumbin Wildlife Hospital

ALTERNATE MOTION

95

Cr J Owen
Cr K Milne

RESOLVED that:

1. Council liaises with Currumbin Wildlife Hospital to identify opportunities to support their operations treating and rehabilitating Tweed wildlife.
2. The Tweed Valley Wildlife Carers be included in any consultation and discussion on this issue.

The Motion was **Carried**

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

9 [NOM] Gold Coast Airport

96

Cr J Owen
Cr W Polglase

RESOLVED that Council writes to Air Services Australia and indicates its willingness to have a noise monitor placed on Council land at West Tweed Heads to allow the Airport to fulfil the reporting requirements for ANEI levels and monitor noise at the southern end of the Gold Coast Airport.

The Motion was **Carried**

***FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry***

10 [NOM] Round Table Consultation - Kingscliff Skate Park

97

**Cr R Cooper
Cr K Milne**

RESOLVED that this Motion be deferred to Council Meeting on 5 April 2018.

The Motion was **Carried**

***FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry***

11 [NOM] Extreme Water Sports

98

**Cr K Milne
Cr R Cooper**

RESOLVED that this Motion be withdrawn.

The Motion was **Carried**

***FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry***

12 [NOM] Policy for Variations to Council's Planning Controls

ALTERNATE MOTION

99

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council brings forward a report on amending the Tweed and Tweed City Local Environmental Plan and Development Control Plan with a view to enhancing

sustainability outcomes such as living walls, green roofs, blue green infrastructure, greenhouse gas emissions, waste, composting, community gardens, etc., in accordance with the Paris Agreement targets.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr C Cherry

13 [NOM] Protecting Tweed's Native Forests

100

**Cr K Milne
Cr R Cooper**

PROPOSED that Council:

1. Notes:
 - a) Tweed Shire has the most diverse range of ancient Gondwana Rainforest remnants in Australia, and significant Aboriginal cultural heritage much of which is still not mapped and vulnerable to Private Native Forestry operations,
 - b) Climate Change poses a serious threat to the Tweed community, economy and environment,
 - c) Maintaining forests and reforestation is an important mechanism to address climate change by reducing carbon emissions, reducing the impact of flooding and potential for landslides, assist in reducing the number of threatened species and improving waterway quality,
2. Brings forward a report on supporting and encouraging landholders to reforest the landscape on a major scale and include considerations and incentives to achieve this through various strategies such as the Rural Land Use Strategy, including but not limited to consideration of an increased dwelling entitlement in exchange for a legally binding commitment e.g. for 95% native vegetation cover, or potentially for plantations of diverse native forests where this does not involve clearing existing vegetation.
3. Brings forward a report on whether the further clearing of Tweed's native forests for Private Native Forestry is appropriate for the Shire, including but not limited to consideration of the recent report from the State Government that identified that North Coast Forests as in poor condition due to high grading, the significance of the Shire's forests particularly in regard to the ancient Gondwana Rainforests and the very high numbers of threatened species and value of these forests.

AMENDMENT 1

101

**Cr P Allsop
Cr J Owen**

RESOLVED this item be deferred for a future Workshop to be scheduled on the above Motion.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 101 refers)

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.06 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.53pm

14 [NOM] Zero Waste Target

102

**Cr K Milne
Cr J Owen**

RESOLVED that Council adopts a 'Zero Waste Target' across the Shire and includes this objective in our Waste Strategies and Management Plans.

The Motion was **Carried**

**FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry**

15 [NOM] Sustainable, Wildlife and Marine Life Friendly Products and Packaging Policy

103

**Cr K Milne
Cr P Allsop**

RESOLVED that this item deferred to the Council Meeting on 19 April 2018.

The Motion was **Carried**

***FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry***

16 [NOM] Sustainability Awards

104

**Cr K Milne
Cr J Owen**

RESOLVED that Council brings forward a report on developing a range of Sustainability Awards

The Motion was **Carried**

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

17 [NOM] Sustainable Business Investment and Attraction

ALTERNATE MOTION

105

**Cr K Milne
Cr R Cooper**

RESOLVED that Council includes in the development of the Business Investment and Attraction Prospectus information of the Shire's attributes, aspiration and opportunities for businesses seeking to address climate change and waste reduction challenges to invest in the region.

The Motion was **Carried**

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

18 [NOM] Review of Murwillumbah CBD Street Trees

106

Cr K Milne
Cr J Owen

RESOLVED that Council brings forward a report on the state of the street trees in Murwillumbah CBD in regard to their health, any gaps, and options for appropriate species for replanting or replacement if required and where improved shading could be achieved.

The Motion was **Carried**

FOR VOTE – Unanimous
ABSENT, DID NOT VOTE – Cr C Cherry

19 [NOM] Quarry Operations

107

Cr K Milne
Cr R Byrnes

RESOLVED that Council brings forward a report on the current state and any compliance issues at the three quarries off Numinbah Rd/ Harry's Rd, North Arm.

The Motion was **Carried**

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

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

20 [GM-CM] Northern Rivers Joint Organisation

ALTERNATE MOTION

108

Cr K Milne
Cr P Allsop

1. In accordance with Part 7 of Chapter 12 of the Local Government Act 1993:
 - i) Council informs the Minister for Local Government of Council's endorsement of the Minister recommending to the NSW Governor the establishment of the Northern Rivers Joint Organisation in accordance with this resolution.
 - ii) Council approves the inclusion of the Council's area in the Northern Rivers Joint Organisations area.
 - iii) The Northern Rivers Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - Ballina Shire.
 - Byron Shire,
 - Kyogle,
 - Lismore City
 - Richmond Valley, and
 - Tweed Shire.
 - iv) Consideration also be given to extending non-voting associate membership to the following organisations:
 - Rous County Council; and
 - Gold Coast City Council.

where matters of interest may have relevance.
 - v) On the expiry of a period of 28 days from the making of this resolution, the General Manager provides the Minister for Local Government:
 - a) with a copy of this resolution including the date on which Council made this resolution, and
 - b) inform the Minister for Local Government that this resolution has not been rescinded, for the purpose of the Minister for Local Government issuing a certificate under section 400P of the Local Government Act 1993.
2. a) Council delegates to the Mayor or any other representative the requirement to seek consensus decision-making to be included in the Charter for the proposed Northern Rivers Joint Organisation.

- b) The Mayor writes to fellow Northern Rivers Organisation of Councils (NOROC) Mayors, who have resolved for the Joint Organisation, to advise of Council's decision and to seek their commitment to support consensus decision-making within the Charter and that this commitment be provided by 13 April 2018 to enable Tweed Shire Council time to reconsider its decision should consensus decision-making not be supported.
3. Council flags its intention of withdrawing as a member of the Northern Rivers Organisation of Councils (NOROC).

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr C Cherry

21 [GM-CM] Draft Destination Management Plan

109

Cr J Owen

Cr R Cooper

RESOLVED that:

1. Council receives and notes the draft Destination Management Plan.
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 - Cr W Polglase, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes

AGAINST VOTE - Cr C Milne

ABSENT. DID NOT VOTE - Cr C Cherry

22 [GM-CM] Gallery DownTown - Detailed Business Case

110

Cr P Allsop

Cr R Byrnes

PROPOSED that:

1. Council notes the attached Detailed Business Case and agrees to the implementation of a 12-month trial of the Gallery DownTown concept in the M-Arts Precinct as outlined, in the upstairs gallery space on a five-day per week trading basis to act as direct economic stimulus for the town post flood and as an incubator for the activation of the M-Arts precinct.
2. Council allocates \$70,000 from the Economic Development budget to the project.
3. Council seeks State Government support for the concept and request a contribution of \$30,000 to support Regional Arts and Economic Development.
4. ATTACHMENT 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.

AMENDMENT 1

111

Cr W Polglase
Cr R Byrnes

RESOLVED that:

1. Council notes the attached Detailed Business Case and agrees to the implementation of a 12-month trial of the Gallery DownTown concept in the M-Arts Precinct as outlined, in the upstairs gallery space on a five-day per week trading basis to act as direct economic stimulus for the town post flood and as an incubator for the activation of the M-Arts precinct.
2. Council allocates \$100,000 from the Economic Development budget to the project.
3. Council seeks State Government support for both promotion and funding through the Local State Member and relevant Minister.
4. 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.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 111 refers)

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

23 [GM-CM] Events Sponsorship Policy - 2018 Cooly Rocks On

112

Cr J Owen
Cr P Allsop

RESOLVED that Council:

1. Receives and notes the 2017 Cooly Rocks On™ Festival Post Event Report and the independent tourism analysis for the 2017 event prepared by Dr Chris Hunn from Strategic Facts.
2. Enters into Year Two of the Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the 2018 Cooly Rocks On™ Festival, on a sliding financial scale, as follows:

| Year 1 2017 | Year 2 2018 |
|------------------------|------------------------|
| \$12,500 | \$7,500 |

3. Advises Connecting Southern Gold Coast that any requests for event infrastructure support of the 2018 Cooly Rocks On™ Festival will be charged to the applicant.
4. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (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 - Cr W Polglase, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes
AGAINST VOTE - Cr C Milne
ABSENT. DID NOT VOTE - Cr C Cherry

24 [GM-CM] Coolamon Cultural Centre - Future Use

113

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council approves the relocation of suitable existing Council staff units to the Coolamon Cultural Centre to allow for accommodation of the additional resources currently engaged in flood recovery and grant capital works projects.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

25 [PR-CM] Development Application DA17/0806 for Internal Alterations and Two Lot Strata Subdivision at Lot 420 DP 875841 No. 3 Parkside Drive, Tweed Heads South

114

**Cr K Milne
Cr P Allsop**

RESOLVED that:

- A. Clause 4.6 various to Clause 4.1 of the Tweed Local Environmental Plan 2014 regarding the minimum subdivision lot size of the site be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA17/0806 for an internal alterations and two lot strata subdivision at Lot 420 DP 875841 No. 3 Parkside Drive, Tweed Heads South be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans prepared by Gavin Duffie and dated 11 January 2018:
 - Site plan Ref. G3126 Sheet 1;
 - Floor plan Ref. G3126 Sheet 2;
 - Proposed strata plan Ref. G3126 Sheet 5;

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. 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]

4. 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]

5. All electricity meters onsite shall be readily accessible for reading by electricity suppliers.

[GENNS01]

6. Both proposed strata lots shall connect to the existing sewer junction located on Lot 420 DP 875841.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid 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:

Water: Nil

Sewer: Nil

[PCC0265]

8. For developments containing less than four attached or detached strata titles, 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]

9. 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]

10. Prior to the issue of the construction certificate details of:

- i) the new accessible facilities to unit 2,
- ii) additional exits to unit 1 in accordance with Part D of the NCC-BCA, and
- iii) additional hose reels to ensure coverage to the units in accordance with E1.4 of the NCC-BCA,

are to be submitted to and approved the nominated PCA.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

11. 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]

12. 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]
13. 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]
14. 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]

15. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

DURING CONSTRUCTION

16. 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]

17. 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]

18. 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]

19. 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]

20. 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]

21. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

22. 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]

23. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1685]
24. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428. [DUR1695]
25. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1705]
26. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [DUR1725]
27. 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]
28. 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]
29. 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]
30. 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]

31. 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]
32. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
33. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]
34. 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]
35. 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]

36. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for Lot 420 DP 875841, from the existing water main in Parkside Drive. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

37. 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]
38. 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 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

39. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards. [POC0225]
40. 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]
41. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works. [POC1045]
42. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1055]

USE

43. Access to and from the site in a forward direction for a standard service vehicle (8.8m) is to be maintained for each of the strata units. [USENS01]
44. Any change of use of the strata units will be the subject of separate approvals prior to use as statutorily required. [USENS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

45. 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:
- (a) 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]

The Motion was **Carried**

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

26 [PR-CM] Development Application DA17/0512 for a Dual Occupancy (Attached), Two Pools and Two Lot Strata Subdivision at Lot A DP 388820 No. 71 Pearl Street, Kingscliff

This item was dealt with earlier in the meeting (Minute No 90 refers).

27 [CNR-CM] Draft Community Development Operational Planning and Strategies

This item was dealt with earlier in the meeting (Minute No 91 refers).

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

PROCEDURAL MOTIONS

115

**Cr K Milne
Cr J Owen**

RESOLVED that Items 28 to 37 be considered in block.

The Motion was **Carried**

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

116

**Cr K Milne
Cr J Owen**

RESOLVED that Items 28 to 37 be moved in block.

The Motion was **Carried**

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

28 [CNR-CM] Richmond Tweed Regional Library 2018-2019 Budget and Fees and Charges

117

**Cr K Milne
Cr J Owen**

RESOLVED that Council endorses:

1. The 2018/19 Budget contribution to the Richmond Tweed Regional Library of \$2,399,900.
2. The proposed 2018/19 Fees and Charges attached to this report and publishes them in the Tweed Shire Council Schedule of Fees and Charges 2018/19.

The Motion was **Carried**

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

29 [CNR-CM] Aboriginal Advisory Committee 20 Year Commemoration

118

**Cr K Milne
Cr J Owen**

RESOLVED that Council acknowledges the 20 Year dedicated commitment of service by the Aboriginal Advisory Committee and notes:

1. The significant achievements of the Aboriginal Advisory Committee and the contribution the committee makes by providing advice to Council to encourage and facilitate the development of the Tweed Aboriginal and Torres Strait Islander Communities in the Tweed Shire.
2. The commitment of the current and past members of the Aboriginal Advisory Committee and the organisations which they represent.
3. Councillor and Council staff contribution in assisting the Aboriginal Advisory Committee.

The Motion was **Carried**

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

30 [CNR-CM] Covenant of Mayors for Climate and Energy: Community Greenhouse Gas Emissions and Climate Hazards Report

119

**Cr K Milne
Cr J Owen**

RESOLVED that Council receives and notes the Tweed Shire Community Greenhouse Gas Profile Report by Ironbark Sustainability and climate hazards outline supplied to the Global Covenant of Mayors for Climate & Energy.

The Motion was **Carried**

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

31 [CNR-CM] Tweed Flying-fox Camp Management Plan

120

**Cr K Milne
Cr J Owen**

RESOLVED that Council:

1. Adopts the Tweed Flying-fox Camp Management Plan 2018.
2. Considers an item in the September 2018 quarterly budget review to provide a recurrent \$12,000 for implementation of the plan actions.
3. Notes that additional funding assistance will be sought for the delivery of any large scale or specific additional actions required to achieve the aims of the plan.

The Motion was **Carried**

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

32 [CNR-CM] New Charges for Waste Management - 140 Litre Household Organic Waste Bin and Asbestos Test Kits

121

**Cr K Milne
Cr J Owen**

RESOLVED that Council introduces:

1. An annual charge of \$75 into the fees and charges policy for a 140 litre organics bin.
2. A charge of \$45 into the fees and charges policy for asbestos test kits.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Cherry

REPORTS FROM THE DIRECTOR ENGINEERING

33 [E-CM] Road Closure Application - Ophir Glen Road, Burringbar

122

Cr K Milne

Cr J Owen

RESOLVED that:

1. Council approves the closure and purchase of a section of road reserve adjacent to Lot 12 DP 633767 at Ophir Glen Road, Burringbar.
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer.
3. The title of the closed road is consolidated with the adjacent land.
4. Easements be created over public authority reticulation services, if any.
5. All necessary documentation be executed under Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Cherry

34 [E-CM] 86 Ash Drive, Banora Point

123

Cr K Milne

Cr J Owen

RESOLVED that:

1. Council advises the owner of 86 Ash Drive, Banora Point, comprised in Lot 253 DP 787100, that the pool can remain on Council land, Lot 608 DP 792534, at Council's pleasure.
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 C Cherry

35 [E-CM] Safe and Secure Water Program Expression of Interest

124

Cr K Milne

Cr J Owen

RESOLVED that Council submits an Expression of Interest for funding support to complete the Business Case phase of the project to undertake the planning and land acquisition for the raising of Clarrie Hall Dam.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Cherry

36 [E-CM] Provision of Recycled Water to Coolangatta & Tweed Heads Golf Club

125

Cr K Milne

Cr J Owen

RESOLVED that Council provides assistance to the Coolangatta & Tweed Heads Golf Club in the form of preparation (by Council staff) of an Options and Feasibility study for a recycled water pipeline from the Banora Point Wastewater Treatment Plant to the Coolangatta & Tweed Heads Golf Course.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

37 [E-CM] Draft Murwillumbah CBD Levee and Drainage Study

126

Cr K Milne
Cr J Owen

RESOLVED that the draft Murwillumbah CBD Levee and Drainage Study report and attachments be publicly exhibited for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

38 [E-CM] Adani Mine Resolution and Tender Processes

127

Cr K Milne
Cr R Cooper

RESOLVED that this item be deferred to the Council meeting on 19 April 2018.

The Motion was **Carried** on the Casting Vote of the Mayor.

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

PROCEDURAL MOTIONS

128

Cr K Milne
Cr P Allsop

RESOLVED that Items 39 and 40 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

129

Cr K Milne
Cr P Allsop

RESOLVED that Items 39 and 40 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

39 [E-CM] RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation

130

Cr K Milne
Cr P Allsop

RESOLVED that, in respect to Contract RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation:

1. Council awards the offer to East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 and ACN 755 877 285 for the amount of \$1,342,290.59 (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 six monthly and at finalisation of the contract.
3. 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 C Cherry

40 [E-CM] RFO2018002 Major Flood Repair Work - Landslip Repairs Bundle 6

131

**Cr K Milne
Cr P Allsop**

RESOLVED that in respect to Contract RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6:

1. Council awards the offer to Roman Contractors Pty Ltd, (ABN: 48 122 536 770) for the amount of \$665,390.91 (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, 2 and 3 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 C Cherry**

41 [E-CM] Heavy Vehicle Approvals - B Double Routes

132

**Cr P Allsop
Cr J Owen**

RESOLVED that the application to use Tweed Valley Way from Pacific Highway, Chinderah south to Clothiers Creek Road, Condong and Clothiers Creek Road to 130m east of Tweed Valley Way, with a 25m/26m B Double at higher mass limit from 11 January 2018 to 10 January 2021 of 68 tonnes be supported.

The Motion was **Carried**

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

42 [E-CM] Tweed Road Development Strategy

133

**Cr W Polglase
Cr J Owen**

RESOLVED that:

1. The draft Tweed Road Development Strategy and attachments be publicly exhibited for a period of 42 days.
2. Council holds a Workshop in relation to the Tweed Development Strategy in conjunction within the exhibition period.

The Motion was **Carried**

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

**REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND
INFORMATION TECHNOLOGY**

PROCEDURAL MOTIONS

134

**Cr K Milne
Cr J Owen**

RESOLVED that Items 43 to 51 be considered in block.

The Motion was **Carried**

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

135

**Cr K Milne
Cr J Owen**

RESOLVED that Items 43 to 51 be moved in block.

The Motion was **Carried**

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

43 [FRIT-CM] Monthly Investment Report for period ending 28 February 2018

136

**Cr K Milne
Cr J Owen**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 28 February 2018 totalling \$294,804,070 be received and noted.

The Motion was **Carried**

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

44 [FRIT-CM] In Kind and Real Donations - October to December 2017

137

**Cr K Milne
Cr J Owen**

RESOLVED that Council notes the total donations of \$102,360.59 for the period October to December 2017.

The Motion was **Carried**

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

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

45 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 November 2017

138

**Cr K Milne
Cr J Owen**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 November 2017 be received and noted.

The Motion was **Carried**

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

46 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 February 2018

139

**Cr K Milne
Cr J Owen**

RESOLVED that:

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

BA1. Complying Development Issue

That the Aboriginal Advisory Committee requests that Council draft a letter to the SEPP Team regarding Section 88B Complying Applications for demolition which do not take into account the impediments of the 88B instrument requirements for Due Diligence Reports.

The Motion was **Carried**

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

47 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Wednesday 7 February 2018

140

**Cr K Milne
Cr J Owen**

RESOLVED that the Minutes of the Community Halls Advisory Committee Meeting held Wednesday 7 February 2018 be received and noted.

The Motion was **Carried**

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

48 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 February 2018

141

**Cr K Milne
Cr J Owen**

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 February 2018 be received and noted.

The Motion was **Carried**

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

49 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 14 February 2018

142

**Cr K Milne
Cr J Owen**

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 14 February 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

50 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 21 February 2018

143

Cr K Milne
Cr J Owen

RESOLVED that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 21 February 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

51 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 February 2018

144

Cr K Milne
Cr J Owen

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 22 February 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

A1 [LTC] Tumbulgum Road, Murwillumbah

That the existing Loading Zone on Tumbulgum Road, Murwillumbah adjacent to the Cenotaph is removed and a 12metre 1/2P zone (two spaces) be installed at the same location.

A2 [LTC] Tweed Valley Way, Murwillumbah South

That an Accessible Parking Bay be installed on Tweed Valley Way between Prospero Street and Alma Street on the western side of the road, adjacent to the fruit shop.

A3 [LTC] Queen Street, Murwillumbah

That the existing 'No Parking' signs adjacent to the Tweed Palliative Support business in Queen Street, Murwillumbah be changed to 'Loading Zone' as parallel parking and this zone be extended approximately 6m to allow larger vehicles to access the site.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A6 [LTC] Lions Greenback Fishing Competition - Pandanus Parade Cabarita Beach - 10 June 0218

That the temporary partial road closure of Pandanus Parade, Cabarita Beach for the Greenback Fishing Competition on Sunday 10 June 2018 from 5.00am to 2.00pm be supported subject to the following conditions:

- 1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
- 2. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
- 3. 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.*
- 4. Adequate public liability insurance being held by the event organiser.*
- 5. 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.*
- 6. Consultation with emergency services and any identified issues addressed.*
- 7. 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.*
- 8. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*

A7 [LTC] Cabarita Headland

That:

- 1. The existing 'No Parking' signage at the turnaround area at the northern end of the carpark on the Cabarita Headland be changed to 'No Stopping' and*

an additional advisory sign be installed at the beginning of the turnaround area advising motorists that there is no stopping in the turnaround area ahead.

2. *Signage be installed at the beginning of the narrow section of the Cabarita Headland carpark stating "Unsuitable for longer vehicles beyond this point".*

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

ADDENDUM ITEMS

Nil.

LATE ITEMS

Nil.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

145

Cr K Milne
Cr R Cooper

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 C Cherry

CONFIDENTIAL ITEMS FOR CONSIDERATION

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 GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Adoption of The Tweed Destination Brand

REASON FOR CONFIDENTIALITY:

This report is confidential as it deals with intellectual property of Council.

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 17

That Council adopts 'The Tweed' Destination Brand.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

C2 [GM-CM] Deferral of Developer Contributions - Burringbar Cheese Factory (DA13/0020.01)

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 18

That Council:

1. Enters into an agreement to defer Roads Contributions for Stage 2 for the Burringbar Cheese Factory (DA 13/0020.01) in line with Business Investment Policy version
2. Executes all necessary documentation under the common seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C3 [PR-CM] Request for Alternative Commonwealth Games Operating Hours for Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could impact upon Council's ability to validly act upon a recent Council resolution.

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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 19

That Council:

1. In respect of the resolution of 1 March 2018 relating to trading activities of Tweed Shire businesses during the 2018 Gold Coast Commonwealth Games period, NOT take enforcement action between the period of 1 April to 30 April 2018 for a breach of the law arising out of supplier and businesses receiving deliveries of goods outside of their normal delivery hours. Consideration might only be given to taking enforcement action in the event that the relevant breach was causing environmental harm; and
2. In respect of the email request received from the owners on 7 March 2018, relating to the conditions of DA03/0445 applying to the property No. 477 Urliup Road, Urliup, that a response be provided to the owners advising that should they wish to proceed with the modification of the conditions of DA03/0455, a modification application needs to be made to Council.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C4 [E-CM] Acquisition of Land for Reservoir - Part Lot 1 DP 216360 Mahers Lane, Terranora

REASON FOR CONFIDENTIALITY:

This report contains details of commercial in confidence negotiations with the affected landowner.

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: -

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C 20

That:

1. Council approves the purchase of part of Lot 1 DP 216360 at Mahers Lane, Terranora for the amount shown in the body of the report.
2. Council executes all necessary documentation under the Common Seal of Council.
3. ATTACHMENTS 1 & 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (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 C Cherry

C5 [E-CM] Bray Park Weir Tidal Protection Project - Project Reference Group

ALTERNATE MOTION

REASON FOR CONFIDENTIALITY:

The report discusses the merits of individuals nominating for the Bray Park Weir Tidal Protection Project Reference Group.

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: -

(a) personnel matters concerning particular individuals (other than councillors).

C 21

That:

1. The following nominees be invited to form the Bray Park Weir Tidal Protection Project Reference Group:
 - Ken Baker
 - Peter Robson
 - Brett Sander
 - Corey Crosthwaite
 - Neil Baker
 - Glen Jones
 - Peter Tomsett
 - James Perrin
 - Simon Fitzpatrick
 - Michael McDonald
2. Two (2) Councillors be nominated for the Project Reference Group.
3. The Terms of Reference of the Bray Park Weir Tidal Protection Project Reference Group be adopted and made publicly available following appointment of the Reference Group.
4. ATTACHMENTS 1 and 2 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 C Cherry

146

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 C Cherry

There being no further business the Meeting terminated at 9.28pm.



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

Chairman

THIS PAGE IS BLANK