

**Mayor:** Cr K Milne

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

# Minutes

## **Extraordinary Council Meeting Thursday 15 March 2018**

held at  
**Council Chambers, Murwillumbah Civic & Cultural Centre,  
Tumbulgum Road, Murwillumbah**  
commencing at 6.00pm

# 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 6.19pm.

### **IN ATTENDANCE**

Cr Reece Byrnes (Deputy Mayor), Cr Pryce Allsop, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

Also present were 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 Neil Baldwin (Manager Corporate Governance).

### **ABORIGINAL STATEMENT**

The Deputy 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 read by Cr Reece Byrnes (Deputy Mayor).

### **APOLOGIES**

Attendee Cr K Milne and Cr C Cherry have informed the General Manager that their absence is caused by attendance at a conference.

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**Cr P Allsop  
Cr J Owen**

**RESOLVED** that the apologies of **Cr K Milne** and **Cr C Cherry** be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr C Cherry, Cr K Milne**

### **DISCLOSURE OF INTEREST**

Nil.

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

Nil.

## MAYORAL MINUTE

Nil.

## ORDERS OF THE DAY

Nil.

## REPORTS THROUGH THE GENERAL MANAGER

## REPORTS FROM THE GENERAL MANAGER

Nil.

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 **[PR-CM] Development Application DA18/0099 for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park at Lots 7339-7344 DP 116619, Lot 704 DP 877249, Lot 448 & 653 DP 755740, Lot 703 DP 877250, Coral Street, Lot 7038 DP 1055266 Hill Street, Tweed Heads**

Preceding the meeting Mr Ken O'Brien and Mr Andy Rigby provided an overview of the event on behalf of the applicant the Drop Music Festival Pty Ltd.

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**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that Development Application DA18/0099 for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park at Lots 7339-7344 DP 116619, Lot 704 DP 877249, Lot 448 & 653 DP 755740, Lot 703 DP 877250, Coral Street, Lot 7038 DP 1055266 Hill Street, Tweed Heads 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 sheet 1 of 1 REV B Site Plan and Lighting Plan, prepared by Phoenix and dated 08.12.17, Plan LP v 3 and 6925 v3 prepared by Traffic Plan Professionals dated 04/03/2018, Plan titled Vegetation Protection Plan, prepared by Phoenix and dated 08.12.17 except where varied by the conditions of this consent. [GEN0005]
2. This consent is for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park.

3. Prior to bump in for the event, the event organiser is to arrange a site meeting with Council's Park Supervisor to address any access and layout requirements and to establish the general condition of the ground. It is the responsibility of the organisers to arrange this meeting in a timely manner.
4. The event organiser shall keep the said area and buildings clean and tidy and all papers and other rubbish shall be collected and removed. The organiser shall immediately repair and make good damage occasioned by their use of the said area.
5. The event organiser shall indemnify and keep indemnified the Trust and the Minister administering the Crown Lands Act against all actions, suits, claims, debts, obligations and other liabilities during the continuation of the Licence and further. The Licensee shall take out a public risk insurance policy with reputable insurance office, approved by the Trust, in the names of the Licensee, the Trust and the Minister administering the Crown Lands Acts insuring them against such of the said matters as can be insured against to the sum of not less than \$10,000,000 and shall produce at any time when required by the Trust or the Minister the last renewal receipt of payment of such premium thereon.
6. The event organiser shall obtain and maintain all other insurance as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of the licensee on the demise premises. Copy of such is to be forwarded to the Trust.
7. The event organiser shall indemnify the Minister administering the Crown Lands Act and the Trust in respect of any claim which may arise out of the Licensee's use and/or occupation of the area covered by this Licence.
8. No relationship of landlord and tenant is or is intended to be created between the parties hereto by virtue of this licence or in any way whatsoever.
9. The activity shall not be conducted unless supervised by a Manager, being the event organiser or an authorised employee of the Licensee.
10. The Manager or other authorised employee of the Licensee responsible for supervising activities, must be a person approved by the appropriate controlling body.
11. This approval is subject to the provisions of the Crown Lands Act, 1989, including Sections 108 and 109 of that Act.
12. The event organiser shall not interfere with any other person authorised by the Trust to use the reserve or any part thereof.
13. The event organiser shall ensure that all efforts are made to minimise disturbance to local residents or other users of the respective areas.
14. The public address system and amplified music shall be operated so as not to impact the amenity of the area or any residential premises. Use of the system and in particular the volume of the system shall be modified in accordance with any directions of relevant Council officers.

15. Structures shall not be erected in Trust reserves, carparks or beaches without the prior approval of Council (certificates shall be submitted stating that any scaffolding or platforms meet relevant WorkCover requirements.)
16. A person must not:
  - (a) damage, deface or interfere with any structure, flora, fauna or naturally occurring feature on the site; or
  - (b) remain in a reserve / park or any part of a reserve / park or any building, structure or enclosure in the reserve when reasonably requested to leave by an authorised person; or
  - (c) leave in a reserve any refuse, waste material, scrap metal (including any vehicle or vehicle part), rock, soil, sand, stone or other such substances.
17. Traffic control and parking shall be undertaken consistent with the approved Traffic Management Plan, and the NSW Police service shall be liaised with regarding implementation of the plan.
18. Current WorkCover licenses shall be provided for any security services used during the event.
19. The licensee shall ensure amusement devices are operated in accordance with NSW WorkCover requirements.
20. All provision for electricity supply or distribution at the event must be consistent with AS/NZ 3002:2008 "Electrical installations - Shows and Carnivals" and related standards as referenced.

[GENNS01]
21. All waste generated as a result of the event must be contained in suitable bins and disposed of at a licenced waste or recycling facility. In order to minimise waste, the event is to provide red, yellow and green bins, and water stations to reduce plastic water bottle waste.

[GENNS02]
22. Event organisers must pay all park use fees as determined by Council. Additionally, a deposit as determined by Council must be paid before bump in for the event. The deposit is fully refundable once use of the park is complete and there has been no damage or other problems with the parks.

[GENNS03]
23. Event Parking
  - i. Ensure clear directions for a safe pedestrian path from the carpark to the event. The path should be off road, well-lit and clearly marked.
  - ii. A night time assessment of lighting should be conducted to ensure the pedestrian path from the event to the designated carpark is adequately lit.
  - iii. Parking marshals should direct motorists to parking spaces to maximise parking and ensure organised and safe traffic flow.
  - iv. Install additional parking directional signs on Hill Street.
  - v. Inform and direct motorists when the carpark is full. Advanced notice is required so they do not enter Eden Street unnecessarily, adding to the congestion.

[GENNS04]

24. Drop off and pick up zone
- i. Ensure the pedestrian waiting area is clearly marked and does not cross the traffic lane.
  - ii. Maximise space within the drop off zone to prevent queuing on Coral Street.
  - iii. Provisions for taxi and Uber drop off/pick up.
  - iv. During the day, ensure there is a safe space for drivers to drop off or U-turn if they travel down Coral Street and beyond the Hill Street detour.
- [GENNS04]
25. Intersection of Eden Street and Coral Street
- i. Safe area for motorists to U-turn at the end of Eden Street. Cars should not be directed to travel to the northern end of Coral Street to turn around.
- [GENNS04]
26. General
- i. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
  - ii. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.
  - iii. 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.
  - iv. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
  - v. 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.
  - vi. Consultation with emergency services and any identified issues addressed. Ensure a clear path for emergency services is maintained at all times.
  - vii. VMS 1, Message 3- delete third frame "take next left screen". This message is confusing as motorists may associate it with the first frame. Arrows are adequate.
  - viii. VMS 3, Message 4 - to be revised to arrow direction signs not required.
- [GENNS04]
27. The two areas of vegetation identified on the Vegetation Protection Plan are to be fenced off (chain mesh, barrier mesh style) in accordance with the plan to ensure the protection of the vegetation during the event.
- [GENNS05]
28. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.
- [GEN0290]

## USE

29. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
- [USE0125]
30. A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis on the days of the event (including 24 hours pre- and
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post-event). Details of the name and contact person and the contact telephone number must be locally advertised a minimum of fourteen (14) days prior to the event and local, directly affected, residents notified by means of an individual letter drop to each household.

[USE0215]

31. 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 and environmentally sensitive areas.

[USE0225]

32. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

33. All activities shall be carried out in accordance with the requirements of the NSW Office of Liquor, Gaming and Racing (OLGR).

[USE1085]

34. The playing of live amplified music shall be restricted to 17 March 2018 during the approved festival event hours 4pm to 10pm. Amplified music sound checks are also permissible on 16 and 17 March 2018 between 10am and 4pm.

35. The maximum noise level at a residential premise shall not exceed 65db(A). The applicant is required to engage a suitably qualified and experienced expert to undertake event monitoring at the closest residential premises and provide noise monitoring results to Council within 30 days.

36. The sale of food shall comply with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council not less than 14 days prior to the event.

37. Fireworks are not permitted or approved by this development consent.

38. Toilets shall be serviced during the event at intervals sufficient to ensure they remain hygienic, clean and safe for the duration of the event.

[USENS01]

39. Appropriate arrangements to the satisfaction of Council's General Manager or delegate shall be made for the collection and disposal of waste materials generated by the event and the 64 portaloos.

[USENS02]

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr C Cherry, Cr K Milne**

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There being no further business the Meeting terminated at 6.25pm



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

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**Chairman**

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