



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 1 August 2019

held at

**Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed
Heads**

commencing at the conclusion of the Planning Committee meeting
which commences 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 8.14pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Ron Cooper and Cr James Owen

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), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

APOLOGIES

Attendee **Cr R Byrnes** has informed the General Manager that his absence is caused by work commitments outside the Shire.

Attendee **Cr W Polglase** has informed the General Manager that his absence is caused by illness

296

Cr C Cherry
Cr J Owen

RESOLVED that the apologies of **Cr R Byrnes** and **Cr W Polglase** be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous

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

CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 1 August 2019

297

Cr P Allsop
Cr C Cherry

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 1 August 2019 be adopted.

1 [PR-PC] Development Application DA19/0265 for a Two Lot Boundary Adjustment including Consolidation of 3 Closed Road Lots at Lot 1 DP 183130, Lots 1-3 DP 1243056 and Lot 1 DP 583624 No. 520-522 Bakers Road, Byangum

RECOMMENDED that Council:

1. Grant support for DA19/0265 to be assessed consistently with Councils previous interpretation of Clause 4.1(C)3 prior to receipt of the attached legal advice as this was the interpretation relied on by the applicant when the DA was submitted;
2. Advise the public that all DA's for boundary adjustments not already accepted by Council will be assessed on the new interpretation presented by the legal advice attached to this report;
3. Assess any Development Applications for Boundary adjustments that have already been accepted by Council before 01/08/19 on the interpretation of Clause 4.1(C)3 on their merits and using the interpretation publicly known at the time of their submission; and
4. Report Development Application DA19/0265 for a two lot boundary adjustment including consolidation of 3 closed road lots at Lot 1 DP 183130, Lots 1-3 DP 1243056 and Lot 1 DP 583624 No. 520-522 Bakers Road, Byangum to the next Planning Committee Meeting with draft conditions of consent which address the requirement to not provide an increase in future dwelling opportunities via a restrictive covenant applied to the future lots, which require unanimous support of Council to lift, to enable consideration for the application as proposed.

2 [PR-PC] Development Application DA19/0104 for an Attached Dual Occupancy and Two Swimming Pools at Lot 14 Section 6 DP 758571 No. 65 Kingscliff Street, Kingscliff

RECOMMENDED that Development Application DA19/0104 for an attached dual occupancy and two swimming pools at Lot 14 Section 6 DP 758571 No. 65 Kingscliff 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 the following plans prepared by Smek Design and dated December 2018, except where varied by the conditions of this consent:
 - Site analysis plan (amended in red) M273/DA1.01 Revision B;
 - Site development plan M273/DA1.02 Revision C;
 - Setback plan M273/DA1.03 Revision A;
 - Ground floor plan M273/DA2.01 Revision A;
 - First floor plan M273/DA2.02 Revision A;
 - Roof plan M273/DA2.03 Revision A;
 - Elevations M273/DA3.01 Revision B;
 - Elevations M273/DA3.02 Revision A;
 - Section A M273/DA4.01 Revision A;
 - Section B M273/DA4.02 Revision A;

- Laneway fence elevation (not dated).

The development is to be carried in the following stages:

- Stage 1 being the construction of the dual occupancy;
- Stage 2 being the construction of the pools and front fencing.

[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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

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

[GEN0300]

5. This development consent does not include demolition of the existing structures on the subject site. A separate approval will need to be obtained for this purpose, as statutorily required.

[GEN0305]

6. Vegetation removal shall be limited to that prescribed in the Arborists Report for 65 Kingscliff Street Kingscliff, prepared by TPZ Project Arborists and dated 12 June 2019, to facilitate the construction of the dwelling house. All other trees identified as "retain" shall retained and protected during construction in accordance with the recommendations of the Arborists Report prepared by TPZ Project Arborists for 65 Kingscliff Street dated 12 June 2019, unless otherwise approved by Council's General Manager or their delegate.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution 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 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

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

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

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

(a) Tweed Road Contribution Plan: 1.3 Trips @ \$1354 per Trips (\$1,137 base rate + \$217 indexation) CP Plan No. 4 Sector6_4	\$1,760
(b) West Kingscliff - Drainage: 0.0096 HA @ \$81789 per HA (\$5,664.10 base rate + \$76,124.90 indexation) DCP Section B4 CP Plan No. 7	\$785.17
(c) Shirewide Library Facilities: 0.75 ET @ \$985 per ET (\$792 base rate + \$193 indexation) CP Plan No. 11	\$739
(d) Bus Shelters: 0.75 ET @ \$75 per ET (\$60 base rate + \$15 indexation) CP Plan No. 12	\$56
(e) Eviron Cemetery: 0.75 ET @ \$140 per ET (\$101 base rate + \$39 indexation) CP Plan No. 13	\$105
(f) Community Facilities (Tweed Coast - North) 0.75 ET @ \$1624 per ET (\$1,305.60 base rate + \$318.40 indexation) CP Plan No. 15	\$1,218
(g) Extensions to Council Administration Offices & Technical Support Facilities 0.75 ET @ \$2195.88 per ET (\$1,759.90 base rate + \$435.98 indexation) CP Plan No. 18	\$1,646.91
(h) Cycleways: 0.75 ET @ \$555 per ET (\$447 base rate + \$108 indexation) CP Plan No. 22	\$416
(i) Regional Open Space (Casual) 0.75 ET @ \$1282 per ET	\$962

(\$1,031 base rate + \$251 indexation)
CP Plan No. 26

- (j) Regional Open Space (Structured):
0.75 ET @ \$4500 per ET \$3,375
(\$3,619 base rate + \$881 indexation)
CP Plan No. 26

[PCC0215]

8. 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: 0.6 ET @ \$11,091 = \$6,654.60
Sewer: 1.0 ET @ \$7,173 = \$7,173.00

[PCC0265]

9. A detailed Plan of Landscaping containing no priority weed species and with a minimum 80% of total plant numbers comprised of local native species to the Tweed Shire is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. Local native species are to comprise appropriate species selected from the Tweed Shire Native Species Planting Guide available online at:
<http://www.tweed.nsw.gov.au/Controls/NativeSpeciesPlanting/Landing.aspx>

[PCC0585]

10. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

11. 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]

12. 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]

13. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

14. Prior to the issue of a Construction Certificate, the existing sewer junction of Lot 14 Sec 6 DP 758571 shall be shown on the final design plans.

[PCCNS01]

15. Prior to issue of a Construction Certificate for Stage 2 of the works (construction of the 2 swimming pools, pool coping and front fencing), the Applicant must provide to Essential Energy, for its approval, plans prepared by an Accredited Service Provider (Level 3 Designer) to show the proposed underground powerline connections to each dual occupancy. These plans must comply with *ISSC 20*, any relevant Australian Standards and/or Essential Energy internal policies.

[PCCNS02]

16. Prior to the issue of a Construction Certificate for Stage 2 of the works (construction of the 2 swimming pools, pool coping and front fencing), evidence of all approvals required by Essential Energy must be provided to the Principal Certifying Authority.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

17. 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]

18. 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]

19. 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]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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 (or modification of the existing) 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]

25. To ensure the building and any associated structures are correctly positioned on the site in accordance with the Development Consent, a report prepared by a registered surveyor is to be submitted to the principal certifying authority at footing stage and at the completion of the building.

[DURNS01]

DURING CONSTRUCTION

26. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

27. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

28. 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]

29. 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]

30. 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]

31. 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]

32. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

33. 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]

34. If the work involved in the erection or demolition of a building:

(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

35. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

36. 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 2017.

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]

37. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

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. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

40. 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]

41. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1015]
42. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
43. 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]
44. 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]
45. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
46. 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]
47. 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]

48. 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]

49. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

50. 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]

51. 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]

52. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2017.

[DUR2835]

53. The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:

- (a) bears a notice containing the words "This swimming pool is not to be occupied or used", and
- (b) is located in a prominent position in the immediate vicinity of that swimming pool, and
- (c) continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.

Maximum penalty: 5 penalty units.

Note. The signage requirements in subclause (3) are in addition to any signage that may be required under the *Environmental Planning and Assessment Act 1979* or any other Act.

[DUR2845]

54. All landscaping is to be undertaken in accordance with the approved detailed plan of landscaping.
- [DURNS01]
55. A Project Arborist who holds an Australian Qualification Framework Level 5 Arboriculture certificate must be appointed prior to commencement of any works onsite to:
- a. Oversee all arboricultural management works and measures in accordance with the Arborists Report for 65 Kingscliff Street prepared by TPZ Project Arborists and dated 12 June 2019, and Australian Standard AS4970 - 2009 Protection of trees on development sites.
 - b. Recommend and supervise any required remedial works; and
 - c. Certify works upon completion of the project.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

56. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.
- [POC0005]
57. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
- [POC0205]
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. 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]
60. Upon completion of the pool the builder is to submit to the Principal Certifying Authority a certificate stating that the "Water Recirculation System" has been installed in accordance with AS 1926.3-2010.
- [POC0905]
61. 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]

62. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

63. The swimming pool or spa is required to be registered at www.swimmingpoolregister.nsw.gov.au prior to the issue of any occupation certificate for the swimming pool or spa.

[POC1100]

64. Prior to the issue of an Occupation Certificate, the nominated Project Arborist shall provide to Council's General Manager or delegate a certification report that includes the following information:

- a. Confirmation that all works have been undertaken in general accordance with Australian Standard AS4970 - 2009 Protection of trees on development sites, industry best standards, the approved Arborists Report for 65 Kingscliff Street prepared by TPZ Project Arborists and dated 12 June 2019, and details of any remedial actions recommended/undertaken by the Project Arborist to avoid/minimise disturbance of existing vegetation.
- b. Brief assessment of the condition of the trees, details of any deviations from approved essential tree protection management actions/measures, any on-going management measures for retained trees and if applicable, evaluation of any remedial actions undertaken to mitigate impact on existing vegetation as a result of project works.

[POCNS01]

USE

65. 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]

3 [PR-PC] Development Application DA17/0733 for a Two Lot Subdivision and Associated Civil Works at Lot 12 DP 803451 and Lot 121 DP 548088 No. 22-38 Florence Street, Tweed Heads

RECOMMENDED that Council request that Tweed Heads Bowls club gives consideration to withdrawing the DA within 21 days and speaking to their members and board about ways in which they can:

1. Work with council staff to address current concerns in relation to car parking and satisfy car parking obligations for the site;
2. Resubmit DA when satisfactory options have been determined and the matter be reported to Council for determination; and
3. Should the Club not elect to withdraw the application and resolve the shortfall in parking requirements then the matter be determined under delegated authority.

4 [PR-PC] Development Application DA19/0099 for a Change of Use to Dual Use (Tourist and Permanent Residential) for 27 Units Creating Shop Top Housing at Lots 1, 2, 3, 7, 8, 11, 19, 22, 24, 25, 26, 27, 28, 29, 33, 34, 36, 40, 42, 44, 45, 46, 47, 50, 51 and 54 in SP 77096 No. 2-6 Pandanus Parade, Cabarita Beach

RECOMMENDED that Development Application DA19/0099 for a change of use to dual use (tourist and permanent residential) for 27 units creating shop top housing at Lots 1, 2, 3, 7, 8, 11, 19, 22, 24, 25, 26, 27, 28, 29, 33, 34, 36, 40, 42, 44, 45, 46, 47, 50, 51 and 54 in SP 77096 No. 2-6 Pandanus Parade, Cabarita Beach be refused for the following reasons:

1. The development does not satisfy Section 4.15(1) of the Environmental Planning and Assessment Act 1979, particularly Section (a)(iii) – the provisions of any Development Control Plan in that the development is inconsistent with the Development Control Plan Section A2 – Site Access and Parking Code of the Tweed Development Control Plan 2008 as:
 - a) The site has a shortfall in the required onsite parking;
 - b) The area is currently subject to high demand for recreational use experienced with the beach foreshore;
 - c) The subject site is within a tourist dominated precinct and has a high increase in visitors in summer (beach goers, markets, hotel patronage, nippers carnivals etc.) a shortfall in parking would be problematic;
 - d) The onsite parking is within an existing basement and is not highly visual/known; and
 - e) The commercial precinct itself is small in scale and is comprised of a Woolworth's shopping centre, a number of small retail premises, cafes, restaurants and a hotel, beyond the commercial area are residential land uses, overflow of parking for tourists accessing the foreshore/commercial precinct would create conflict of uses.
2. The development does not satisfy Section 4.15(1) of the Environmental Planning and Assessment Act 1979, particularly Section (a)(i) – the provisions of any Environmental Planning Instruments in that the application has not considered SEPP 65 – The Design Quality of Residential Flat Development.
3. The development does not satisfy Section 4.15 of the Environmental Planning and Assessment Act, particularly Section 1(e) - *the public interest* in that the development is not considered to be in the public interest.

5 [PR-PC] Development Application DA19/0232 for a Change of Use of Lot 55 (Unit 402) to Dual Use of Shop Top Housing and Serviced Apartments at Lot 55 SP 77096 No. 55/2-6 Pandanus Parade, Cabarita Beach

RECOMMENDED that Development Application DA19/0232 for a change of use of Lot 55 (unit 402) to dual use of shop top housing and serviced apartments at Lot 55 SP 77096 No. 55/2-6 Pandanus Parade, Cabarita Beach be refused for the following reasons:

1. The development does not satisfy Section 4.15(1) of the Environmental Planning and Assessment Act 1979, particularly Section (a)(iii) – the provisions of any Development Control Plan in that the development is inconsistent with the

Development Control Plan Section A2 – Site Access and Parking Code of the Tweed Development Control Plan 2008 as:

- (a) The site has a shortfall in the required onsite parking;
- (b) The area is currently subject to high demand for recreational use experienced with the beach foreshore;
- (c) The subject site is within a tourist dominated precinct and has a high increase in visitors in summer (beach goers, markets, hotel patronage, nippers carnivals etc.) a shortfall in parking would be problematic;
- (d) The onsite parking is within an existing basement and is not highly visual/known; and
- (e) The commercial precinct itself is small in scale and is comprised of a Woolworth's shopping centre, a number of small retail premises, cafes, restaurants and a hotel, beyond the commercial area are residential land uses, overflow of parking for tourists accessing the foreshore/commercial precinct would create conflict of uses.

2. The development does not satisfy Section 4.15(1) of the Environmental Planning and Assessment Act 1979, particularly Section (a)(i) – the provisions of any Environmental Planning Instruments in that the application has not considered SEPP 65 – The Design Quality of Residential Flat Development.
3. The development does not satisfy Section 4.15 of the Environmental Planning and Assessment Act, particularly Section 1(e) - *the public interest* in that the development is not considered to be in the public interest.

6 [PR-PC] Development Application DA18/0485 for Application for a Staged Development Consisting of Three Dwellings over Three Stages (One Dwelling Per Stage) at Lot 3 DP 371134 No. 141 Byangum Road, Murwillumbah

RECOMMENDED that Development Application DA18/0485 for application for a staged development consisting of three dwellings over three stages (one dwelling per stage) at Lot 3 DP 371134 No. 141 Byangum Road, Murwillumbah be deferred to receive legal advice regarding the development's permissibility with regards to being a multi-dwelling development on a battle axe lot. The core of the question is whether DCP A5 applies in regard to multi-dwelling development on battle-axe lots and whether the exemption clause located in DCP A5 applies.

10 [PR-PC] Request to Prepare a Planning Proposal - 225 Terranora Road, Banora Point

RECOMMENDED that in respect of the request to prepare a Planning Proposal for Lot 16 DP 856265 at No. 225 Terranora Road, Banora Point, Council endorses that:

1. Council's resolution of 17 November 2016 stands;
2. The proponent be advised that their request is not supported; and

3. The Department of Planning, Industry and Environment be advised of Council's decision and provided with this report and the report of 17 November 2016.

7 [PR-PC] Development Application DA17/0564.01 for an Amendment to Development Consent DA17/0564 for Dwelling Alterations and Additions at Lot 1 DP 1241037 No. 125 River Street, South Murwillumbah

RECOMMENDED that Development Application DA17/0564.01 for an amendment to Development Consent DA17/0564 for dwelling alterations and additions at Lot 1 DP 1241037 No. 125 River Street, South Murwillumbah be supported in principle and request a further report and conditions to be presented to Council for determination.

8 [PR-PC] Development Application DA12/0170.16 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lot 100 DP 1208306 No. 19-25 Cypress Crescent, Cabarita Beach; Lots 1-2 Sec 4 DP 29748 Nos. 26-28 Tweed Coast Road, Cabarita Beach

RECOMMENDED that Development Application DA12/0170.16 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lot 100 DP 1208306 No. 19-25 Cypress Crescent, Cabarita Beach; Lots 1-2 Sec 4 DP 29748 Nos. 26-28 Tweed Coast Road, Cabarita Beach be approved subject to the following condition being amended:

1. Insert new Condition 113D.1 which reads as follows:

113D.1. Hours of operation of the business are restricted to the hours and days referred to in Condition 113D, except on New Year's Day, when the hours of operation can extend to 2am.

9 [PR-PC] Exhibition of Draft Planning Proposal PP18/0004 Removal of Enabling Clause 7.15 for Water Bottling Facilities

RECOMMENDED that:

1. Planning Proposal PP18/0004, being amendment No. 28 to the Tweed Local Environmental Plan 2014, as updated and provided in Attachment 1, be publicly exhibited.
2. The updated Planning Proposal be exhibited in accordance with the Gateway Determination issued on 13 May 2019, for a period of 28 days and the requirements of the Environmental Planning and Assessment Act 1979 and Regulations 2000.
3. The original wording of the objectives in former Clause 7.15 be included in the criteria for the threshold test for development consent and the Planning Proposal be amended accordingly.

11 [PR-PC] Response to Notice of Motion (NOM) on the Potential for the Planning Policy to require new Development Applications for Service Stations to include Fast Charging Stations

RECOMMENDED that Council:

1. Receives and notes the information, recognising that the provision of electric charging stations is permissible under the existing planning framework and occurring in response to market demand in strategic longer stay public parking areas, away from traditional service stations,
2. Investigates strategic public locations, costs and co-investment opportunities for installing fast charging stations at Tweed Heads, Murwillumbah, Tyalgum and Uki as envisaged by the *Power Up Northern Rivers Electric Vehicle Strategy* including assessment of the optimal ownership and or leasing arrangements for facilities on public land, cost implications and ongoing operational aspects, and
3. Considers within the next programmed review of the residential chapter of the Tweed DCP the inclusion of requirements for all new dwelling house, semi-detached dwelling, dual occupancies, residential flat building, multi-unit dwellings and commercial developments to, where appropriate and possible, install electric vehicle charging infrastructure or the capacity for electric vehicle charging points to be installed at a later time

12 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

RECOMMENDED that Council notes there are no variations for the month of July 2019 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM CONFIDENTIAL TO ORDINARY/ORDINARY TO CONFIDENTIAL

Nil.

MAYORAL MINUTE

A1 [MM-CM] Tweed Valley Hospital

Cr K Milne

RESOLVED that Council makes copies of SC Tim Robertson's legal advice of 17 December 2018 on the Tweed Valley Hospital freely available to the public without restrictions.

The Motion was **Carried**

FOR VOTE - Cr K Milne, Cr C Cherry, Cr R Cooper

AGAINST VOTE - Cr J Owen, Cr P Allsop

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

ORDERS OF THE DAY

2 [NOM-Cr P Allsop] South Murwillumbah Transition Structure Plan

299

Cr P Allsop

Cr C Cherry

RESOLVED that Council supports the preparation of South Murwillumbah Transitioning Structure Plan to guide the future use and management of land within this location, to support and guide future economic and community use opportunity, for the area generally bounded by Prospero Street, Leven Street, Durrington Street through to Buchanan Street and including the Murwillumbah Railway Station precinct, to the Tweed River, and that a procurement process similar to that undertaken for the Smart Small Sustainable Housing project be undertaken to ascertain the market rate/value for a suitably qualified consultant to undertake that work in consultation with Council Officers.

The Motion was **Carried**

FOR VOTE - Unanimous

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

3 [NOM-Cr C Cherry] Policy for Dark Sky Lighting Considerations

300

Cr C Cherry

Cr K Milne

RESOLVED that Council implements a policy which provides a guideline for managing light illumination from public lighting which is in line with the Department of Planning's Dark Sky Planning Guideline.

The Motion was **Carried**

FOR VOTE - Cr K Milne, Cr C Cherry, Cr R Cooper, Cr P Allsop

AGAINST VOTE - Cr J Owen

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

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

4 [SCE-CM] Aboriginal Cultural Heritage at Captain Cook Memorial Lighthouse Building Grant Funding

301

Cr C Cherry

Cr K Milne

RESOLVED that Council:

1. Notes the acceptance by the General Manager of the funding offer of \$50,000 from the Office of Environment and Heritage.
2. Executes all necessary documentation required under the Funding Agreement.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

5 [E-CM] RFO2019058 Removal of Biosolids from Tweed Shire Council Wastewater Treatment Plants for use outside Shire Boundary

302

Cr K Milne

Cr C Cherry

RESOLVED that, in respect to Contract RFO2019058 Removal of Biosolids from Tweed Shire Council Wastewater Treatment Plants for use outside Shire Boundary:

1. Council awards a contract to Arkwood (Gloucester) Pty Ltd t/a Arkwood Organic Recycling ABN 70 055 370 486 for the Schedule of Rates offered for the initial 3 year period.
-

2. The General Manager be granted delegated authority to approve appropriately deemed variations and extensions to the contract and those variations and extensions 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:-
 - (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

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

6 [PCG-CM] Local Government NSW Annual Conference - Motions

ALTERNATE MOTION

303

Cr K Milne
Cr C Cherry

RESOLVED that Council submits the following motions for consideration at the Local Government NSW (LGNSW) 2019 Annual Conference.

1. Funding for Environmental Protection

That Local Government NSW requests the State Government to dramatically increase funding for environmental protection to at least 5% of the State Budget in light of current funding levels of \$1,459m which equates to only 1.75 % of the \$83,300m 2019/20 operating budget.

Background

According to Australia's State of the Environment Report 2016 - "The outlook for Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures. Our current investments in biodiversity management are not keeping pace with the scale and magnitude of current pressures. Resources for managing biodiversity and for limiting the impact of key pressures mostly appear inadequate to arrest the declining status of many species. Biodiversity and broader conservation management will require major reinvestments across long timeframes to reverse deteriorating trends."

The Motion was **Carried**

FOR VOTE - Cr K Milne, Cr C Cherry, Cr R Cooper

AGAINST VOTE - Cr J Owen, Cr P Allsop
ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes

7 [PCG-CM] Code of Conduct for Council Committee Members, Delegates of Council and Advisors

304

Cr C Cherry
Cr J Owen

RESOLVED that:

1. The Code of Conduct for Council Committee Members, Delegates of Council and Advisors Version 1.0 be amended to apply to both statutory and wholly advisory committees; and
2. Council adopts the amended Code of Conduct for Council Committee Members, Delegates of Council and Advisors Version 2.0.

The Motion was **Carried**

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

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

8 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 12 June 2019

305

Cr C Cherry
Cr K Milne

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 12 June 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1. Tweed Estuary Coastal Management Plan Update

That Council places the Tweed Estuary Coastal Management Program on public exhibition for a minimum period of 60 days.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 4 June 2019

306

**Cr K Milne
Cr C Cherry**

RESOLVED that the minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 4 June 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 27 June 2019

307

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 27 June 2019 be received and noted and
2. The Executive Leadership Team's recommendations be adopted as follows:
 - A1. [LTC] Charles Street, Murwillumbah

That the school bus zone adjacent Number 6 Charles Street, Murwillumbah, be reduced by 10 metres.

A2. [LTC] Pottsville Beach Public School - Tweed Coast Road

That the school crossing for Pottsville Beach Public School on Tweed Coast Road near Elrond Avenue be removed and that another school crossing location be considered in consultation with the school.

A3. [LTC] Kingscliff Triathlon 22 March 2020

That the proposed Kingscliff Triathlon on 22 March 2020 be supported, subject to:

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by Bicycle NSW.*
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
- 4. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
- 5. 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.*
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
- 7. Adequate public liability insurance being held by the event organiser.*
- 8. 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.*
- 9. Consultation with emergency services and any identified issues addressed.*
- 10. Arrangements made for private property access and egress affected by the event.*
- 11. 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.*
- 12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
- 13. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
- 14. Endorsement of the event by the Kingscliff Chamber of Commerce.*
- 15. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
- 16. The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.*

A4. [LTC] Tweed Coast Enduro 7 March 2020

That the proposed Tweed Coast Enduro on 7 March 2020 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Bicycle/Triathlon NSW.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *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.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *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.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the event.*
11. *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.*
12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
15. *The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.*

A5. [LTC] Coral Street, Tweed Heads

The Chairperson requested that this item be placed on the Schedule of Outstanding Resolutions.

A6. [LTC] Kennedy Drive, Norman Street, Tweed Heads

That:

1. *A Safer Roads Nomination be submitted generally in accordance with Option 1, being the installation of right turn lanes into Norman Street and into the Boat Ramp, minor kerb realignment, pedestrian refuge and formalising the ingress/egress for Boat Ramp access.*

2. *The concept design be referred back to the Committee for comment.*

A7. [LTC] Pacific Drive and Terranora Road, Banora Point

That subject to the advice of Roads and Maritime Services and New South Wales Police as per the RMS 'A guide to the delegation to councils for the regulation of traffic' Version 1.3 issued March 2009:

1. *A 15m 'No Stopping' line be installed on Terranora Road, Banora Point, east of the Pacific Drive intersection.*
2. *Adjacent residents/businesses be advised that Council's rangers may issue infringements to vehicles parked within 3m of the double centre lines.*

A8. [LTC] Wharf Street, Tweed Heads - Bus Zone

That the southbound bus zone adjacent to Tweed Mall, Wharf Street, be extended south of the pedestrian crossing and replace the six public parking spaces. The zone should be used for terminating services only.

Cr R Cooper temporarily left the meeting at 08:55 PM.

Cr R Cooper has returned from temporary absence at 08:59 PM

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

308

Cr K Milne

Cr C Cherry

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

REPRESENTATIONS FOR ITEMS CONSIDERED IN COMMITTEE

Under Council's Model Code of Meeting Practice, members of the public may make representations before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. If you wish to make any representations, you are invited to do so now.

Nil.

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Unauthorised Works Within Crown Road Reserve, Zara Road, Limpinwood

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains legal advice and is subject to current legal action.

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 77

That Council, in respect of the current compliance matter with Mr John Fish resolves it wishes to continue with the terms of an agreement with Mr Fish relating to rectifying unauthorised works on Crown Road, off Zara Road Limpinwood:

1. Endorses and grants delegation to The Mayor, Councillor Katie Milne, Councillor Polglase and the General Manager to seek a meeting with Mr Fish and his representatives to negotiate a revised agreement on the next steps of this process, and related prosecution action in the Land and Environment Court.

The Motion was **Carried**

FOR VOTE - Cr K Milne, Cr C Cherry, Cr R Cooper, Cr P Allsop

AGAINST VOTE - Cr J Owen

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

C2 [PR-CM] Proposed Lease from Hy-Tec Industries (Queensland) Pty Ltd of Part Lot 2 DP 609986 No.36 Pollards Road, Dulguigan for Operation of an Animal Boarding Facility and Ancillary Animal Pound

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains commercial information.

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 78

That Council:

1. Enters into a Lease from Hy-Tec Industries (Queensland) Pty Ltd of Part Lot 2 DP 609986 No. 36 Pollards Road, Dulguigan; and
2. Authorises the Mayor and the General Manager to have the Council seal affixed to the Lease from Hy-Tec Industries (Queensland) Pty Ltd to Tweed Shire Council of Part Lot 2 DP 609986 No. 36 Pollards Road, Dulguigan.

The Motion was **Carried**

FOR VOTE - Unanimous

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

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT IN COMMITTEE

C3 [SCE-CM] RFO2019029 Supply of Project Officer Services

REASON FOR CONFIDENTIALITY:

Contents of this report could give prospective negotiation candidates an advantage when submitting a new bid.

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 79

That, in respect to Contract RFO2019029 Supply of Project Officer Services:

1. Council declines to accept any of the offers in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.
2. The General Manager be granted delegated authority to undertake negotiations with Workways Australia Envite Environment Division to achieve the best value for money.

The Motion was **Carried**

FOR VOTE - Unanimous

309

**Cr K Milne
Cr C Cherry**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.20pm



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

Chairman

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