



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 19 September 2019

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

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

The Meeting commenced at 5.30pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, 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 Robyn Grigg (Acting Director Sustainable Communities and Environment), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer)-until 7.10pm, Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

APOLOGIES

Nil.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 August 2019

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Cr R Byrnes
Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 August 2019 be adopted as a true and accurate record of proceedings of that meeting, noting amendment to recommendation of Confidential Item C2 [SCE-CM] Update on Proposed Amendments to Waste Collections Contract RFO0216040 as highlighted below:

"that Council:

1. *Extends the waste collection **yellow lid bins** contract **RFO2016040** Collection of Municipal Waste, Collection and Processing of Recyclables, Collection of Organics, Collection of Public Place Bins and Collection of Bulky Waste or two years up until 30 June 2022 by way of an agreed amendment to the contract, on the basis of the terms negotiated between Solo Resource Recovery and Council.*
2. *Enters a refund sharing agreement under the State Government Container Deposit Scheme that would return 50% of the refund received by the Material Recovery Facility to Council for containers remaining in the yellow lid recycling bin that have been processed under the contract."*

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

2 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 5 September 2019

389

**Cr P Allsop
Cr J Owen**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 5 September 2019 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

ITEM NOT ON THE AGENDA

A2 Rates Incentive Scheme

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The Mayor advised the meeting of the following:

The Rates Incentive Scheme is a small but integral component of Councils overall rate recovery policy, approximately 6000 ratepayers paid their rates in full for 2019/20 Rating year. (41000 Ratepayers in Total).

The early payment of rates in full provides Council with an increase in its cash flow, enabling Council to create additional revenue from investments; this additional Revenue is used to provide increased funding for services.

First prize for the 2019/20 rates Incentive scheme is a \$2500 sustainable homes package.

Second prize for 2019/20 rates Incentive scheme is a \$1500 sustainable homes package.

Third prize for 2019/20 rates Incentive scheme is a \$1000 sustainable homes package.

Each sustainable home package can be tailored to suit the individuals needs choosing from items such as Solar Power, Solar Hot Water, rainwater tanks, window tinting, awnings, water efficient white goods, landscaping and more.

A Draw resulted in the Mayor announcing the following winners:

First prize for the 2019/20 Rates Incentive scheme is a \$2500 sustainable home package -**Mr Paul Harris and Mrs Brenda J Harris, Banora Point.**

Second prize for 2019/20 Rate Incentive Scheme is a \$1500 sustainable homes package -**Mrs Evelyn L May, Kingscliff.**

Third prize for 2019/20 Rate Incentive Scheme is a \$1000 sustainable homes package - **Mr Raimondo De Santis and Michela De Santis, Tweed Heads South**

The Mayor congratulated the winners.

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 at 19 September 2019

The Schedule of Outstanding Resolutions were received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for August 2019

391

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of August 2019 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.

- 14-15 November - Australasian Property Tax Summit: Funding futures for Local Government.

There were no Councillors submitting attendance.

- 27-29 November - Local Government IT Conference - Coffs Harbour

There were no Councillors submitting attendance.

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop**

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions at 19 September 2019

392

Cr K Milne
Cr C Cherry

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

- Petition received on 28 August 2019 containing 52 signatures and advising as follows:

"Submission against any changes to R2 Low Density Residential & RU5 Village Zones

Residents of Kielvale support Tweed Shire Council's proposed Tweed Local Environmental Plan 2014 Amendment 26 that seeks to maintain the current minimum lot size for medium density housing in R2 Low Density Residential and RU5 Village Zones.

The proposed change in zoning could quadruple the population of Kielvale. Example with 3 terraced units on 600 sq. metre lots it would be very easy to quadruple Kielvale's population and completely change the character of the area.

RU5 Village Zone does not have the benefit of infrastructure available in other residential zones. For example the village of Kielvale has no footpath towards Murwillumbah it has only a school- bus service if you don't have a car you are reliant on a taxi or possibly a neighbour to drive you to town or as some do, walk and in summer keep an eye out for brown snakes.

Street parking in Kielvale is currently difficult what would it be like if the population is quadrupled the incidence of crime & violence in village zones is negligible, increased population may change that, the closest police station to most villages is usually staffed only part time.

The proposal for a fast track system for building approval in R2 Low Density Residential & RU5 Village Zones needs much stricter rules than what is currently proposed. Many people have lost a considerable amount of money and in some cases others their entire life savings due to inadequate rules covering high rise apartments, until this is adequately dealt with all private contractors should be barred from any approvals of land and all types of buildings.

RU5 Village Zone is not the same as R2 Low Density Residential Zone. When planners wrote up permitted with consent that included 63 services/activities for RU5 Village Zones as opposed to 11 permitted with consent in R2 Low Density Residential Zones they knew R2 and RU5 zones are not the same. A village is a place isolated from a main town / city with less infrastructure than other zones, not a place for lot sizes that are currently proposed.

RU5 Village Zone as specified by Tweed Shire Council in its present form should be maintained. Any changes to the current zone would be to the detriment of all people living in RU5 Village Zones.

For that reason the people who have signed 'this submission respectfully request that the proposed zone changes do not proceed.'

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

393

**Cr K Milne
Cr C Cherry**

RESOLVED that Standing Orders be suspended to deal with Items 7, 12, 15, 16, 17 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [NOM-Cr K Milne] Climate Emergency Declaration

394

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Declares that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.
2. Notes that on 14 August 2019 Council's Youth Advisory Committee proposed that Youth Council, as a group, recommend that Council declare a 'Climate Crisis'. As this proposal was made during an informal session of the meeting such a recommendation could not be made. All members of the committee asked that this be noted with consideration being given to presenting at a future Community Access meeting.
3. Notes that our young people have the most at stake as they are the ones that will face the worst impacts of climate change if this is not addressed rapidly and effectively.
4. Supports the Schools Strike for Climate on the 20th September that is calling on adults to join them in the strike, and notes Council staff where practical are able to use leave entitlements if they wish to attend. Council encourages striking children to do so after seeking permission from their parents/guardians.
5. Notes that 45 other Australian Local Councils have declared a Climate Emergency, along with 987 government bodies around the world.
6. Notes Tweed's 2017 Flood was the largest on record, and the two recent major fires that have burnt hundreds of hectares of Tweed's bushland.
7. Notes last year's IPCC report that global emissions of carbon dioxide must peak by 2020 and reduce by 45% by 2030 to keep the planet below 1.5°C increase.
8. Notes that even at 1.5°C increase there will be significant climate disruptions including the Great Barrier Reef predicted to lose 90% of its coral and the outlook for the reef now classified as very poor.
9. Notes the recent advice by Sir David Attenborough on Climate Change that *"We cannot be radical enough in dealing with the issues that face us at the moment"*.
10. Notes the numerous positive steps available to address this Climate Emergency if public and political will is mobilised.
11. Notes that the fastest and second fastest growing jobs in America are solar technicians (300,000 solar jobs) followed by wind power technicians, with the coal industry providing only 50,000 jobs.

12. Notes its commitment to reporting on and reducing emissions through the Global Climate Change Compact and the Cities Power Partnership.
13. Notes its Renewable Energy Action Plan target of 25% renewable energy by 2022 and 50% by 2025, and Council's zero waste target is a great start but does not account for all Council's emissions such as transport, buildings and infrastructure emission.
14. Brings back a report on actions Council is currently undertaking to address climate change and further steps that can be taken to reduce emissions to levels at least consistent with IPCC targets, and provides this report to the Youth Council for their input.
15. Includes advice in all reports to Council meetings on the implications for sustainability from the staff recommendations.
16. Requests the Mayor to write to the NSW State and Federal Governments and local Members of parliament requesting them to declare a climate emergency and prioritise actions to address this emergency.
17. Through the Mayor encourages neighbouring Local Government Areas to join with us in declaring a climate emergency.

The Motion was **Carried**

***FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop***

12 [GM-CM] Tweed Destination Management Plan

395

**Cr J Owen
Cr P Allsop**

PROPOSED that Council adopts the Tweed Destination Management Plan as attached to this report.

AMENDMENT 1

396

**Cr K Milne
Cr C Cherry**

RESOLVED that this item be deferred to the Council Meeting to be held on 3 October 2019.

Amendment 1 was **Carried**

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

AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop

Amendment 1 on becoming the Motion was **Carried** - (Minute No 396 refers)

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

AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop

15 [PR-CM] Development Application DA18/0349 for the Use of Existing Dwelling and Shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding

397

**Cr P Allsop
Cr C Cherry**

RESOLVED that Council:

- A. Approves Development Application DA18/0349 for the Use of an Existing Dwelling and Shed at Lot 8 DP 1079822 No.33 Forest Way, Stokers Siding subject to the conditions of consent being included as below and commence appropriate compliance action for the unauthorised works.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 1, 2-9 & 12-15 prepared by Tweed Coast Design Drafting and dated 12.08.2019, except where varied by the conditions of this consent. [GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. The 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]
4. Asset Protection Zones

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

- (a) At the commencement of building works and in perpetuity the property around the building shall be managed as follows:
 - (i) North west for a distance of 25 metres as an Inner Protection Area;
 - (ii) North east for a distance of 21 metres as an Inner Protection Area;
 - (iii) South east for a distance of 19 metres as an Inner Protection Area;
 - (iv) South west for a distance of 42 metres as an Inner Protection Area.
- (b) Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (c) For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Councillor the principal certifier.

[GEN0320]

5. Water and Utilities

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

- (a) In recognition that no reticulated water supply is available to the development, a total of 20,000 litres firefighting water supply shall be provided for firefighting purposes. The firefighting water supply shall be installed and maintained in the following manner:
 - i) Firefighting water supply may be provided by a tank, a swimming pool or a dam.
 - ii) A hardened ground surface for firefighting truck access is to be constructed up to and within 4 metres of the firefighting water supply.
 - iii) New above ground firefighting water supply storage's are to be manufactured using non-combustible material (concrete, metal, etc). Where existing firefighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
 - iv) Non-combustible materials (concrete, metal, etc) will only be used to elevate or raise firefighting water supply tank(s) above the natural ground level.

- v) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any firefighting water supply tank(s) and accessible for a firefighting truck.
- vi) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- vii) All associated fittings to the firefighting water supply tank(s) shall be non-combustible.
- viii) Any pipes not of metal material shall be buried 300mm below natural ground level.
- ix) Any below ground firefighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- x) Any firefighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- xi) All water supplies for firefighting purposes shall be clearly signposted as a firefighting water supply.
- xii) Below ground firefighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow firefighting trucks to access water direct from the tank.
- xiii) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated firefighting water supply tank(s) is when the outlet valve is located below natural ground level.

6. Electricity services shall be located underground.

7. Access

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

- a) Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

- i) At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road.
- ii) Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
- iii) Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
- iv) A minimum carriageway width of 4 metres.
- v) Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
- vi) Property access roads shall have passing bays every 200 metres and where the view is restricted, for example on comers and crests, which are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
- vii) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
- viii) Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius, except that a reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.
- ix) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- x) The minimum distance between the inner and outer curves is 6 metres.
- xi) The cross fall is not to exceed 10 degrees.
- xii) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

[GEN0330]

8. 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:

- a) New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
[GEN0335]
9. All existing trees within the road reserve are to be retained and protected during construction. Where existing trees within the road reserve cannot be adequately retained and protected, approval from Council's General Manager or their delegate is required to remove street trees and they are to be replaced with a similar species in a 45L pot in accordance with Council's Development Design Specification D14.08.03C Tree Planting and Location (for distances away from infrastructure such as light poles and driveways) and Standard Drawing 'Tree and Shrub Planting Details' Dwg. No. SD701 (including the installation of root barrier) to the satisfaction of Council's General Manager or their delegate.
[GEN0355]
10. Within 30 days of the issuing of this consent, the applicant is to apply for a Building Information Certificate.
[GENNS01]
11. The building information certificate is not to be issued until the dwelling has been upgraded to comply with AS3959 - Construction of buildings in bushfire prone areas, Planning for Bushfire Protection 2006 and the Building Code of Australia.
[GENNS01]
12. The dwelling is to be vacated until the Building Information Certificate has been issued. This is required in order to address safety concerns.
[GENNS01]
13. The 'banana packing shed' is to be decommissioned and rendered uninhabitable as per the approved plans, prior to the issuing of the Building Information Certificate.
[GENNS01]
14. The removal of native trees to facilitate the establishment of asset protection zones is limited to those trees identified as 'Trees to be removed' as shown on Figure 1 Tree locations within Asset Protection Zones (APZ) dated 03 August 2018 prepared by Ecosure. Compensatory planting onsite shall be undertaken to compensate for the loss of trees approved for removal. Replacement planting shall be undertaken on site in accordance with an approved basic habitat restoration plan at a ratio of 1:10 (loss:replace).
- All other trees identified as 'Trees to be retained' on Figure 1 Tree Locations within Asset Protection Zones (APZ) dated 03 August 2018 prepared by Ecosure, shall be retained and afforded adequate protection for the life of the development unless otherwise approve by Council's General Manager or delegate.
[GENNS02]

15. To minimise disturbance to nocturnal fauna, any outdoor security lighting shall be of a design that minimises spill into adjacent bushland areas. [GENNS02]
16. All primary revegetation works must be completed in accordance with the approved Basic Habitat Restoration Plan (BHRP) to the satisfaction of Council's General Manager or delegate prior to issue of Building Information Certificate for the development. The maintenance of the nominated habitat restoration areas thereafter shall be undertaken in accordance with approved BHRP. [GENNS02]
17. The applicant must provide to Council at completion of habitat restoration works certification from a qualified professional that all works/measures have been completed in accordance with the approved Basic Habitat Restoration Plan. [GENNS02]
18. Prior to the release of the Building Information Certificate the applicant shall prepare and submit a Basic Habitat Restoration Plan (BHRP) prepared by a suitably qualified professional to include the following:
- a. Identify an area of the subject site suitable for revegetation to be used for compensatory planting at a ratio of 1:10(loss:replace).
 - b. The revegetation area selected shall meet the following criteria:
 - i. Low condition and generally devoid of native vegetation.
 - ii. Contiguous with an existing unit/tract of native vegetation.
 - iii. Suitable for the establishment of the vegetation type reflective of a Brush Box Open Forest/Blackbutt Open Forest Complex.
 - iv. Specifically plant densities at one (1) plant per (2) square metres using a complement of tree species that commonly form part of a Brush Box Open Forest/Blackbutt Open Forest Complex vegetation type.
 - c. Planting stock size shall be of minimum tube-stock size and planted in accordance with Dwg. S.D.702 Issue B Tweed Shire Council Landscaping Standards - Standard Revegetation Detail.
 - d. Provide details of pre-planting, planting and maintenance methods and schedule of works.
 - e. Provide details of weed control methods in general accordance with *Chenoweth EPLA & Bushland Restoration Services (2012) South East Queensland Ecological Restoration Framework Code of Practice*.
 - f. Provide details of any fencing or plant barrier requirements to minimise animal browsing of planted stock
 - g. Specify the following performance criteria to be met at the primary works phase:

- i. All plants installed in accordance with the approved species list
 - ii. Plants are installed at a density of 1 plant per 2 square metres
 - iii. 100% plant survival
 - iv. The revegetation area is 100% free of environmental weeds
- h. Stipulate a two (2) year maintenance period upon completion of primary works whereby the revegetation area shall be maintained to the following standard for the duration of the maintenance period:
- i. 100% plant survival to be achieved - where losses occur supplementary planting must be undertaken to achieve final plant survival targets;
 - ii. The revegetation area is 100% free of environmental weeds.

The BHRP shall be submitted and approved by Council's General Manager or delegate prior to the issue of the Building Information Certificate.

[GENNS03]

19. Prior to the issue of the Building Information Certificate, all relevant documentation is to be submitted to Council which demonstrates that the right of carriage way easement for access through Lot 5 DP 864563 No.89 Wallaby Court, Stokers Siding, has been created and registered as per the signed deed agreement between Day and Linklaters received by Council on the 19 March 2019.

[GENNS04]

20. Prior to the issue of a Building Information Certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an onsite sewage treatment and disposal system shall comply with the recommended onsite sewage treatment and disposal method as detailed in the On-site Management Assessment Report, prepared by HMC Environmental Consulting and dated January 2019 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[GENNS05]

21. Prior to the occupation of any building approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[GENNS05]

DURING CONSTRUCTION

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

[DUR0025]

23. 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]

24. 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]

25. 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]

26. 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]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]

32. All vegetation management works shall be undertaken by a suitably qualified minimum level 3 AQF Arborist and conducted in a manner that avoids damage to adjacent native vegetation including those trees shown to be retained on Figure 1 Tree locations within Asset Protection Zones (APZ) dated 03 August 2018 prepared by Ecosure.

[DURNS01]

33. A suitably qualified ecologist who holds a fauna survey licence (NSW) shall be engaged to supervise tree removal works to establish asset protection zones. Immediately following completion of tree clearing activity the qualified ecologist shall provide a final report to Council to include the following detail:

- a. Brief summary of any fauna handling, mortality or other relevant fauna related incidents that may have occurred during tree removal
- b. Inventory of species encountered during tree removal
- c. If relocation was required, list of species and relocation location

[DURNS01]

34. The applicant shall comply with Section 7 - Recommendations in Arboricultural Impact Assessment Report, 33 Forest Way Stokers Siding dated 02 January 2019 prepared by Northern Tree Care. [DURNS01]
35. All habitat restoration works shall be undertaken in accordance with the approved Basic Habitat Restoration Plan. [DURNS01]
36. The applicant and contractor are to be aware of responsibilities in relation to the management of native fauna protected under the *Biodiversity Conservation Act 2016* prior to and during approved vegetation removal activity required to facilitate the development. [DURNS01]
37. The installation of the on-site sewage management system and associated drainage lines / irrigation system shall not result in the removal and/or disturbance of native vegetation [DURNS01]

USE

38. No occupation of the existing dwelling is to occur until a Building Information Certificate has been issued. [USENS02]
39. The 'banana packing shed' is not to be used or adapted for residential habitation or occupation. [USE0465]
40. The building is to be used for single dwelling purposes only. [USE0505]
41. The applicant must provide to Council on the 12 month anniversary of the issue of the first of any Building Information Certificate, an annual report on the status of habitat restoration work, for each year of the two (2) year maintenance period. The revegetation area must be maintained at all times to the satisfaction of Council's General Manager or delegate and afforded adequate protection for the life of the development.
42. Asset protection zones and immediate edges to remnant vegetation shall remain free of environmental weeds at all times [USENS01]
- B. The Clause 4.6 request to vary Clause 4.3 of Tweed Local Environmental Plan 2014 maximum building height of the dwelling house by an amount of 2.498 metres (a 24.98% variation) be supported and the concurrence of the Secretary of the Department of Planning, Industry and Environment be assumed.
- C. A Penalty Infringement Notice for the sum of \$3,000 be issued to the owner of the site for undertaking Development without Development Consent, under the Environmental Planning and Assessment Act 1979 s 4.2 (1) (a).

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

16 [PR-CM] Development Application DA19/0242 for the Erection of Dwelling to Create Detached Dual Occupancy and a Detached Garage and Carport at Lot 38 DP 263730 No. 52 Royal Drive, Pottsville

398

**Cr P Allsop
Cr C Cherry**

RESOLVED that Council grants owner's consent for an Asset Protection Zone over Council land and grant in-principle support to report this matter to the next Planning Committee meeting with draft Conditions of Consent to enable consideration for the application as proposed. Council includes in the report options to minimise any risks to Council and maintenance burdens over and above current service levels.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [SCE-CM] Proposed Licence to Pottsville and District Men's Shed Inc of part Lot 301 on DP 1125090, Overall Drive, Pottsville known as Black Rocks Sports Field

399

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. Council applies to the Minister seeking consent to grant a Licence to the Pottsville and District Men's Shed of part Lot 301 DP 1125090, Overall Drive Pottsville, for a period of 5 years commencing on 30 March 2022 with an option to renew for a further period of 5 years;
 2. If the Minister consents to the grant of the Licence, Council grants the Licence; and
 3. If the Minister consents to the grant of the Licence, Council authorises the Mayor and the General Manager to have the Council seal affixed to the Licence.
-

4. ATTACHMENTS 3 and 4 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
(e) information that would, if disclosed, prejudice the maintenance of law.

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr J Owen, Cr W Polglase, Cr P Allsop
AGAINST VOTE - Cr K Milne

RESUMPTION OF STANDING ORDERS

400

Cr P Allsop
Cr C Cherry

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

6 [NOM-Cr R Byrnes] Jobs Register

401

Cr R Byrnes
Cr R Cooper

RESOLVED that Council:

1. Develops and maintains a web-based 'Local Job's Register' containing information provided by principal contractors undertaking publically funded construction projects for Council with a value of more than \$50 million.
2. Writes to the Federal and State Governments requesting that they develop and maintain a single 'register' of local jobs created by publically funded projects (more than \$50 million) in the Tweed Shire.

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen

AGAINST VOTE - Cr W Polglase, Cr P Allsop

SUSPENSION OF STANDING ORDERS

402

Cr C Cherry

Cr J Owen

RESOLVED that Standing Orders be suspended to deal with Item 13, 19 and 20 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] Submission to the Public Exhibition of the State Government's Short Term Rental Accommodation Draft Legislation Amendments

403

Cr C Cherry

Cr P Allsop

RESOLVED that:

1. The attached submission to the *State Government Short term Rental Accommodation Planning Framework (Policy, Regulation, Code of Conduct)* be endorsed and be forwarded to the Department of Planning Industry and Environment by 20 September 2019; and
2. *Planning Proposal PP15/0005 Short term Rental Accommodation* be discontinued and the Department of Planning Industry and Environment be notified of this decision.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [SCE-CM] Tweed Heads Cultural Plaza Redevelopment Project

404

Cr C Cherry
Cr K Milne

RESOLVED that Council notes the progress report on the Tweed Heads Cultural Plaza and Auditorium Technical Upgrade project.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [SCE-CM] Tweed Community Services Business Plan 2018/2021

405

Cr P Allsop
Cr C Cherry

RESOLVED that Council endorses Tweed Community Services Strategic Business Plan 2018/2021.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.10pm.

RESUMPTION OF MEETING

406

Cr K Milne
Cr C Cherry

RESOLVED that the Meeting and Standing Orders be resumed at 7.53pm

The Motion was **Carried**

FOR VOTE - Unanimous

7 [NOM-Cr K Milne] Climate Emergency Declaration

This item was dealt with earlier in the meeting (Minute No 394 refers).

8 [NOM-Cr J Owen] Licencing of Kingscliff RSL Sub-branch for Utilisation of Kingscliff Community Hall

407

**Cr J Owen
Cr R Byrnes**

PROPOSED that Council supports the Kingscliff RSL Sub-branch by licencing their use of the Kingscliff Community Hall for RSL activities annually on Remembrance Day and ANZAC Day and that the hire fee (currently \$90) be met annually through Council's Festivals and Events budget.

AMENDMENT 1

408

**Cr K Milne
Cr R Cooper**

RESOLVED that Council supports the Kingscliff RSL Sub-branch by licencing their use of the Kingscliff Community Hall for RSL activities annually on Remembrance Day and ANZAC Day for five (5) years.

Amendment 1 was **Carried**

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

AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop

Amendment 1 on becoming the Motion was **Carried** - (Minute No 408 refers)

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

AGAINST VOTE - Cr R Byrnes, Cr J Owen, Cr W Polglase

9 [NOM-Cr J Owen] Small Smart Sustainable Housing Project Funding

The Motion lapsed as there was no seconder.

QUESTIONS ON NOTICE

Nil.

ITEMS BY EXCEPTION

409

Cr P Allsop
Cr K Milne

RESOLVED that Items 10 to 33, with the exception of those items already dealt with and with the exception of Item(s) 11 and 22, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

410

Cr C Cherry
Cr K Milne

RESOLVED that Items 10 to 33, with the exception of those items already dealt with and with the exception of Item(s) 11 and 22, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

10 **[GM-CM] Expression of Interest to Host the 2023 and 2024 NSW Country Surf Life Saving Championships**

411

Cr C Cherry
Cr K Milne

RESOLVED that Council:

1. Provides a letter of support for the Cudgen Headland Surf Life Saving Club's Expression of Interest to host the 2023 and 2024 NSW Country Surf Life Saving Championships.

2. Requests the Cudgen Headland Surf Life Saving Club to submit a funding application under the appropriate Events Sponsorship Policy funding round with regard to any future cash or resource requests.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [GM-CM] Event Proposal - Slideapalooza, Boundary Street, Tweed Heads

This item was dealt with later in the meeting (Minute No 416 refers).

12 [GM-CM] Tweed Destination Management Plan

This item was dealt with earlier in the meeting (Minute No 396 refers).

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

13 [PR-CM] Submission to the Public Exhibition of the State Government's Short Term Rental Accommodation Draft Legislation Amendments

This item was dealt with earlier in the meeting (Minute No 403 refers).

14 [PR-CM] Development Application DA18/0038 for the Use of Internal Alterations to Medical Centre at Lot 6 Section 2 DP 4043 No. 13 Beryl Street, Tweed Heads

412

**Cr C Cherry
Cr K Milne**

RESOLVED that:

- A. Development Application DA18/0038 for the use of internal alterations to medical centre at Lot 6 Section 2 DP 4043 No. 13 Beryl Street, Tweed Heads be approved subject to the conditions below.

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 6 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

A. Payment of all contributions as detailed below:

Section 7.11 Contributions

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

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 Section 7.11 Contribution 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 7.11 Contribution 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:
69.775 Trips @ \$972 per Trips \$40,692.60
(\$815 base rate + \$157 indexation)
(\$27,128.40 has been subtracted from this total as this development is deemed an 'Employment Generating Development')
CP Plan No. 4
Sector1_4
- (b) Shirewide Car Parking
9 space/s @ \$32979 per space/s \$296,811
(\$0 base rate + \$32,979 indexation)
CP Plan No. 23

Section 64 Contributions

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.

BELOW IS ADVICE ONLY

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

Water = 1.1532 ET @ \$11,091 = \$12,790.10

Sewer = 1.9298 ET @ \$7,173 = \$13,842.50

- B. A Building Code of Australia Volume 1 Compliance report of the entire building is to be prepared by a building certifier/practitioner who is qualified to carry out assessments of this type of building - Medical Centre. This report is to detail all non-compliances and the scope of works necessary to rectify all items to satisfy the requirements of the NCC - 2016.
- C. An access consultant's report on the building and site. This report is to detail all non-compliances and the scope of works necessary to rectify all items to satisfy the requirements of the BCA Volume 1 - 2016, AS 1428.1 - 2009 and the premises standard.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos G3132 Sheet 1, 3 and 4 prepared by Gavin Duffie and dated 29:11:17, except where varied by the conditions of this consent. [GEN0005]
- 2. 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]
- 3. 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]

- 4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste

Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

5. All the onsite parking (except for the garage parking) is to be used only by the customers of the business and is not to be used by the staff of the business.
[GENNS01]
6. The maximum number of staff/employees is limited to six at any given time.
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Councils sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Occupation Certificate or Construction Certificate to discharge to Council's sewerage system.
[PCC1255]
8. Details of all rectification works as identified in the Compliance Report and Access Report are to be submitted to and approved by the nominated PCA prior to the release of the construction certification.
[PCCNS01]
9. Prior to the release of a construction certificate details of the decommissioning of the swimming pool are to be submitted for assessment and approval by Tweed Shire Council. These details are to clearly demonstrate how the swimming pool has been covered and what measures have been used to prevent any future health and safety issues.
[PCCNS02]
10. Prior to the issue of a construction certificate a building information certificate is to be obtained in respect of the unauthorised building work the subject of this development application.
[PCCNS03]

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 commencement of any building works 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, any 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. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. 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]

26. 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]

27. 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]

28. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

29. 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]

30. 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]
31. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building. [POC0225]
32. 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]
33. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met. [POC1055]

USE

34. 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]
35. The use being restricted to the floor area designated on the approved plan. [USE0415]
36. No items or goods are to be stored or displayed outside the confines of the premises. [USE0445]
37. Clinical wastes shall be separated from the general waste stream and disposed via a clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes to the satisfaction of the General Manager or his delegate. [USE0995]
38. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval. [USE1055]
- B. Issue appropriate Penalty Infringement Notices for unauthorised building works and use.
- C. If the Deferred Commencement matters are not satisfied within the specified period of time, Council's Solicitors are to be engaged to commence appropriate proceedings to have the unauthorised building works removed and the unauthorised use be stopped.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Development Application DA18/0349 for the Use of Existing Dwelling and Shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding

This item was dealt with earlier in the meeting (Minute No 397 refers).

16 [PR-CM] Development Application DA19/0242 for the Erection of Dwelling to Create Detached Dual Occupancy and a Detached Garage and Carport at Lot 38 DP 263730 No. 52 Royal Drive, Pottsville

This item was dealt with earlier in the meeting (Minute No 398 refers).

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

17 [SCE-CM] Proposed Licence to Pottsville and District Men's Shed Inc of part Lot 301 on DP 1125090, Overall Drive, Pottsville known as Black Rocks Sports Field

This item was dealt with earlier in the meeting (Minute No 399 refers).

18 [SCE-CM] Park Naming - George Beattie Park

413

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. The park located in Bosun Boulevard, Oxley Cove, be named "*George Beattie Park*" in accordance with Council's Naming of Council Parks and Sports Fields Policy.
2. Signage be erected including an image of a seaplane.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (e) information that would, if disclosed, prejudice the maintenance of law

The Motion was **Carried**

FOR VOTE - Unanimous

19 [SCE-CM] Tweed Heads Cultural Plaza Redevelopment Project

This item was dealt with earlier in the meeting (Minute No 404 refers).

20 [SCE-CM] Tweed Community Services Business Plan 2018/2021

This item was dealt with earlier in the meeting (Minute No 405 refers).

21 [SCE-CM] Placemaking and Public Art Policy

414

Cr C Cherry

Cr K Milne

RESOLVED that Council endorses the draft Placemaking and Public Art Policy for public exhibition for a period of 28 days, allowing 42 days for submissions.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [GM-CM] Event Proposal - Slideapalooza, Boundary Street, Tweed Heads

415

Cr P Allsop

Cr W Polglase

PROPOSED that:

That Council requests Festival Services to submit the necessary documentation to conduct the "Slideapalooza Street" waterslide event in Boundary Street, Tweed Heads, and the event application be determined on its merits.

AMENDMENT 1

416

**Cr K Milne
Cr C Cherry**

RESOLVED that:

That Council advises Festival Services that they are able to submit the necessary documentation to conduct the "Slideapalooza Street" waterslide event in Boundary Street, Tweed Heads noting that Council will expect, at a minimum, the conditions previously imposed on the last waterslide event. Applicable fees and charges as outlined in the report will be required to be paid prior to the event.

Amendment 1 was **Carried**

***FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen
AGAINST VOTE - Cr W Polglase, Cr P Allsop***

Amendment 1 on becoming the Motion was **Carried** - (Minute No 416 refers)

***FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen
AGAINST VOTE - Cr W Polglase, Cr P Allsop***

22 [SCE-CM] 2018 Year in Review Publication - Tweed Regional Gallery & Margaret Olley Art Centre

417

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council:

1. Receives and notes the 2018 Year in Review publication.
2. Endorses the use of the 2018 Year in Review publication as a promotional tool in marketing Tweed Regional Gallery and Margaret Olley Art Centre as a cultural facility of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [SCE-CM] Acceptance of Grant - Tweed Estuary Erosion Stabilisation and Fish Habitat Rehabilitation

418

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. Council:
 - a. Accepts the grant of \$180,000 from NSW DPI Fisheries under the Flagship Fish Habitat Action Program to implement the Tweed Estuary Strategic Erosion Stabilisation and Fish Habitat Rehabilitation Project.
 - b. Commits the required matching funding of \$30,000 from the Waterways Program and \$100,000 from the Roads Maintenance Program.
 - c. Votes the necessary income and expenditure into the budget.
2. All documentation to be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

24 [E-CM] Classification of Land as Operational - 42 River Street, South Murwillumbah

419

**Cr C Cherry
Cr K Milne**

RESOLVED that Council, in accordance with section 31 of the *Local Government Act 1993*, classifies Lot 24 Section 9 DP2974, 42 River Street, South Murwillumbah, as "Operational Land".

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] RFO2018141 Design and Construct Uki Water Treatment Plant

420

**Cr C Cherry
Cr K Milne**

RESOLVED that in respect to Contract RFO2018141 Design and Construction of the Uki Water Treatment Plant:

1. Council awards the Contract RFO201814 to Aquamanage Environmental Pty Ltd (ABN 18 151 268 156) for the amount of \$2,129,721.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. 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

26 [E-CM] RFO2019074 Small Site Retail Electricity Supply

421

**Cr C Cherry
Cr K Milne**

RESOLVED that in respect to Contract RFO2019074 Small Site Retail Electricity Supply:

1. Council awards a contract to ERM Business Energy ABN 87 126 175 460 at the Schedule of Rates offered (with an indicative 36 month budget cost of \$2,723,000 excl 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. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

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

The Motion was **Carried**

FOR VOTE - Unanimous

27 [E-CM] RFO2018095 Bray Park Water Treatment Plant Membrane Filter Replacement

422

**Cr C Cherry
Cr K Milne**

RESOLVED that in respect to Contract RFO2018095 Bray Park WTP Membrane Filter Replacement:

1. Council awards a contract to SUEZ Water Technologies & Solutions Pty Ltd ABN 84 001 221 941 for the amount of \$2,296,430.00 (excluding 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:-
 - (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 DIRECTOR CORPORATE SERVICES

Nil.

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

28 [FRIT-CM] Resource Support - April, May, June Quarter 2019

423

**Cr C Cherry
Cr K Milne**

RESOLVED that Council notes the total Resource Support of \$135,024.39 for the period of April to June 2019.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [FRIT-CM] Monthly Investment Report for Period Ending 31 August 2019

424

**Cr C Cherry
Cr K Milne**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 August 2019 totalling \$356,896,273.00 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

30 [PCG-CM] Compliments and Complaints Analysis Report for the period 1 April 20 30 June 2019

425

**Cr C Cherry
Cr K Milne**

RESOLVED that the Compliments and Complaints Analysis Report for the period 1 April 2019 to 30 June 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

31 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 August 2019

426

**Cr C Cherry
Cr K Milne**

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 August 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 14 August 2019

427

**Cr C Cherry
Cr K Milne**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 14 August 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [SUB-LTC] Minutes of Local Traffic Committee Meeting held 22 August 2019

428

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held 22 August 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Tweed Valley Triathletes September 2019 to March 2020

That the proposed Tweed Valley Triathletes 2019 to 2020 Season be supported subject to the following conditions:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Bicycle NSW or Cycling QLD.*
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 first event for the season. 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. *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.*
12. *The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.*

A2 [LTC] Coral Street, Tweed Heads

That:

1. *An accessible parking space be installed in Coral Street, Tweed Heads in the vicinity of Lovers Rock Park, including appropriate signage and linemarking.*
2. *An accessible parking space is not supported in the vicinity of the public toilets at Duranbah Beach.*
3. *The existing no parking on the east and west side on Coral Street near the cul-de-sac bulb be replaced with yellow no stopping lines to improve traffic flow.*

The Motion was **Carried**

FOR VOTE - Unanimous

ADDENDUM ITEMS

Nil.

LATE ITEMS

Nil.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

429

Cr K Milne
Cr P Allsop

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

The Motion was **Carried**

FOR VOTE - Unanimous

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

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C1 **[E-CM] Consolidation of High Flood Hazard Land at 6082 Tweed Valley Way, Burringbar**

REASON FOR CONFIDENTIALITY:

Personal matters relating to the subject landowner's family and details of a potential transaction between Council and the 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: -

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer

C 101

That Council:

1. Endorses the compensation offer as detailed in the report to the owner of 6082 Tweed Valley Way, Burringbar, for the consolidation of Lots 1, 2 and 3 DP124446 into a single allotment.
2. Undertakes all necessary actions to complete the consolidation of the subject parcels at Council's cost.

The Motion was **Carried**

FOR VOTE - Unanimous

430

**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 8.36pm.



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

Chairman

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