



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 24 October 2019**

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
commencing at 5.30pm

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

The Meeting commenced at 5.30pm.

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 Tracey Stinson (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), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by the General Manager, Troy Green.

We pray that You will guide the Councillors and Council staff of the Tweed Shire Council as they meet together today; that they may think calmly and carefully, decide wisely and prayerfully and may their decisions be in accordance with Your will and for the welfare of Your people in the Tweed community.

Through Jesus Christ Our Lord. Amen.

APOLOGIES

Nil.

CONFIRMATION OF MINUTES

1 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Thursday 19 September 2019

448

**Cr R Byrnes
Cr P Allsop**

RESOLVED that the Minutes of the Extraordinary Council Meetings held Thursday 19 September 2019 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 September 2019

449

Cr R Byrnes

Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 September 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

3 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 3 October 2019

450

Cr R Byrnes

Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 3 October 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

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions at 24 October 2019

The Schedule of Outstanding Resolutions as at 24 October 2019 were received and noted.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for September 2019

451

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of September 2019 be received and noted.
2. The attendance of Councillors at the following Conferences be authorised:
 - Australia New Zealand Society for Ecological Economics (ANZSEE) Conference – Melbourne VIC - Cr K Milne attending.
 - Tomorrowland 2019 I, Human Symposium – Sydney - Cr R Cooper attending.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

452

Cr K Milne

Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Item 8 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [NOM-Cr C Cherry] 5G Network Infrastructure

453

**Cr C Cherry
Cr K Milne**

PROPOSED that Council invites representatives from the community group concerned about the 5G network and Australian Radiation Protection and Nuclear Safety Agency (ARPANSAS) representatives to a workshop on the implications of the roll-out of 5G networks across the Tweed Shire.

AMENDMENT 1

454

**Cr R Byrnes
Cr J Owen**

RESOLVED that the Mayor and Deputy Mayor write to ARPANSA and the Federal Member for Richmond to convey the concerns of some residents regarding 5G technology and request their representation and response on this matter for those concerned.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 454 refers)

FOR VOTE - Unanimous

RESUMPTION OF STANDING ORDERS

455

**Cr K Milne
Cr C Cherry**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions at 24 October 2019

There were no petitions.

ORDERS OF THE DAY

7 [NOM-Cr K Milne] Reference Group - Zero Waste Strategy

456

Cr K Milne

Cr C Cherry

RESOLVED that Council invites expressions of interest from members of the Tweed community to participate in a reference group which will be used to inform the development of programs under the Zero Waste Strategy.

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

8. [NOM-Cr C Cherry] 5G Network Infrastructure

This item was dealt with earlier in the meeting (Minute No 454 refers)

9 [NOM-Cr J Owen] 2019 New Year's Eve fireworks - Salt Central Park

457

Cr J Owen

Cr W Polglase

RESOLVED that Council contributes \$2000 to Peppers Resorts to go towards the New Year's Eve fireworks in Salt Central Park.

AMENDMENT 1

458

Cr C Cherry

Cr K Milne

PROPOSED that a report be brought forward regarding contributing to all public New Year's Eve celebrations within the Shire to ascertain the cost of contribution.

Amendment 1 was **Lost**

FOR VOTE - Cr C Cherry, Cr K Milne

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

The Motion was **Carried**

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

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

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

10 [GM-CM] Gallery DownTown

459

Cr W Polglase

Cr P Allsop

RESOLVED that Council:

1. Delegates the General Manager to negotiate an exit transition plan for an additional 12 months that includes:
 - a. Joint marketing plan for the M|Arts precinct with established milestones, deliverables and financial contributions from Tweed Shire Council, ZASK Pty Ltd and Tweed Tourism Company.
 - b. A Council led program of public events within the M|Arts precinct that is facilitated by the Economic Development unit, Community Development team and Communications unit.
 - c. A renegotiated license agreement for the Gallery DownTown that presents the Community Access Exhibition Program (CAEP) at the current service level of 23 hours per week.
 2. Votes a budget of \$100,000 operational and \$20,000 for events and programs.
 3. ATTACHMENTS 3 and 4 are 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

PROCEDURAL MOTIONS

460

Cr K Milne

Cr C Cherry

RESOLVED that Items 11, 17 and 19 to 29 with the exception of Item 27 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

461

Cr K Milne

Cr P Allsop

RESOLVED that Items 11, 17 and 19 to 29 with the exception of Item 27 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [GM-CM] Councillor Professional Development July 2018 - June 2019

462

Cr K Milne

Cr P Allsop

RESOLVED that the Councillor Professional Development July 2018 – June 2019 report be adopted as a true and accurate record.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 12 [PR-CM] Development Application DA13/0712.01 for an Amendment to Development Consent DA13/0712 for a Micro Herb Production Facility including Two Greenhouses, Two Pump Sheds, Potting Shed/Office, Water Tank, Driveway Access and Associated Earthworks at Lo

463
Cr C Cherry
Cr R Byrnes

That this item be deferred for consideration after the Acoustic report currently being prepared for this site is finalised by Council to allow the assessment of any additional noise impacts.

The Motion was **Carried**

FOR VOTE - Unanimous

- 13 [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

464
Cr R Cooper
Cr J Owen

PROPOSED that Development Application DA19/0242 for the erection of dwelling to create a detached dual occupancy and a detached garage and carport at Lot 38 DP 263730 No. 52 Royal Drive, Pottsville be refused for the following reasons:

1. The proposal does not meet the provisions of Section 3 of Planning for Bush Fire Protection 2006 in relation to the requisite asset protection zones.
2. The proposal is not in the public interest in that the proposal burdens public land for the benefit of private development.

AMENDMENT 1

465

Cr C Cherry
Cr K Milne

RESOLVED approve the development in accordance with the Conditions for Option 3 below which make provision for the future management of the APZ by Council according to Plan of Management to be approved prior to the issue of a Construction Certificate.

GENERAL

1. The development shall be completed in accordance with the amended Statement of Environmental Effects received by Council on 6 May 2019 and
 - Site Plan and Site Analysis - Plan Nos Sheet 1 of 9 (Plan No 2130E) prepared by Parameter Designs dated 28 November 2018
 - Proposed Dual Occupancy Floor Plan - Plan Nos Sheet 3 of 9 (Plan No 2130E) prepared by Parameter Designs dated 28 November 2018
 - Proposed Detached Garage and Carport Floor Plans, Elevations and Section - Plan Nos Sheet 4 of 9 (Plan No 2130E) prepared by Parameter Designs dated 28 November 2018
 - Proposed Dual Occupancy Elevations and Section - Plan Nos Sheet 5 of 9 (Plan No 2130E) prepared by Parameter Designs dated 28 November 2018
 - Proposed Setout Plan for Detached Garage and Carport - Plan Nos Sheet 6 of 9 (Plan No 2130E) prepared by Parameter Designs dated 28 November 2018
 - Stormwater, Sedimentation and Landscape - Plan Nos Sheet 9 of 9 (Plan No 2130E) prepared by Parameter Designs dated 28 November 2018
 - BASIX certificate number 980345S prepared by Sonia Macourt and dated 23 January 2019,

except where varied by the conditions of this consent.

[GEN0005]

2. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.

[GEN0015]

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

[GEN0115]

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

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

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

Government Act.

[GEN0155]

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

[GEN0300]

7. Bushfire Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

- (a) At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

[GEN0320]

8. Bushfire 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) Water, electricity and gas are to comply with the provisions of Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

[GEN0325]

9. Bushfire Design and Construction

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

- (a) New construction shall comply with Sections 3 and 7 (BAL29) Australian Standard AS3959-2009 'Construction of buildings in Bush Fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- (b) Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible.

[GEN0335]

10. Bushfire Landscaping

- (a) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

[GEN0340]

11. 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]

12. Sewerage reticulation for the secondary dwelling shall be connected to the existing internal sewerage of the lot, ensuring the lot only has one connection to Council's public sewerage infrastructure.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. Prior to the issue of a Construction Certificate, plans shall be submitted to Council nominating the required Asset Protection Zone area over Lot 39 DP263730 and Lot 65 DP866656 in accordance with the submitted Bushfire Risk Assessment report prepared by Melanie Jackson and dated 3 December 2018. The Plan of Management is to be submitted to Council for approval prior to the issue of the construction certificate.

[GENNS02]

14. Prior to the issue of a Construction Certificate an easement and restrictions as to user is to be created over Lot 39 DP263730 and Lot 65 DP866656 under Section 88B of the Conveyancing Act 1919 for the following:

- Positive covenant over the land for the nominated the Asset Protection Zone area in accordance with the Bushfire Risk Assessment report prepared by Melanie Jackson and dated 3 December 2019;
- Management of the Asset Protection Zone in accordance with the approved Plan of Management.

Burdens: Lot 39 PD263730 and Lot 65 DP866656

Benefits: Lot 38 DP 263730

[GENNS03]

15. 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 "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the 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: 1.3 Trips @ \$1450 per Trips (\$1,284 base rate + \$166 indexation) CP Plan No. 4 Sector8_4	\$1,885
(b) Open Space (Casual): 0.5833 ET @ \$624 per ET (\$502 base rate + \$122 indexation) CP Plan No. 5	\$364
(c) Open Space (Structured): 0.5833 ET @ \$714 per ET (\$575 base rate + \$139 indexation) CP Plan No. 5	\$416
(d) Shirewide Library Facilities: 0.5833 ET @ \$933 per ET (\$792 base rate + \$141 indexation) CP Plan No. 11	\$544
(e) Bus Shelters: 0.5833 ET @ \$71 per ET (\$60 base rate + \$11 indexation) CP Plan No. 12	\$41
(f) Eviron Cemetery: 0.5833 ET @ \$135 per ET (\$101 base rate + \$34 indexation) CP Plan No. 13	\$79
(g) Community Facilities (Tweed Coast - North) 0.5833 ET @ \$1539 per ET (\$1,305.60 base rate + \$233.40 indexation) CP Plan No. 15	\$898
(h) Extensions to Council Administration Offices & Technical Support Facilities 0.5833 ET @ \$2187.14 per ET (\$1,759.90 base rate + \$427.24 indexation) CP Plan No. 18	\$1,275.76
(i) Cycleways: 0.5833 ET @ \$526 per ET (\$447 base rate + \$79 indexation) CP Plan No. 22	\$307
(j) Regional Open Space (Casual) 0.5833 ET @ \$1215 per ET	\$709

(\$1,031 base rate + \$184 indexation)
CP Plan No. 26

- (k) Regional Open Space (Structured):
0.5833 ET @ \$4264 per ET \$2,487
(\$3,619 base rate + \$645 indexation)
CP Plan No. 26

[PCC0215/POC0395/PSC0175]

16. 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 @ \$13,926 = \$8,355.60
Sewer = 1.0 ET @ \$6,690 = \$6,690.00

[PCC0265]

17. In accordance with Section 4.68 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

18. Prior to Construction Certificate the plans shall be updated to show the location of the existing sewerage infrastructure and manhole located on the lot.

PRIOR TO COMMENCEMENT OF WORK

19. 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]

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

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

[PCW0215]

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

[PCW0225]

22. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

23. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

24. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

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

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

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

[PCW0985]

DURING CONSTRUCTION

26. 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]

27. 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]

28. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

29. 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]

30. 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]

31. 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]

32. 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 2017.

[DUR0415]

33. Any cut or fill on the property is to be battered at a ratio not greater than 1:2 (v:h) within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

34. 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]

35. 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]
36. Landscaping of the site shall be carried out in accordance with the submitted/approved Landscaping Plans.
37. 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]
38. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
39. 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]
40. 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]
41. 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]
42. 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]
43. 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]

44. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

45. Works in the vicinity of public infrastructure must comply with the following requirements;

- a) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, concrete slab with construction joints offset one metre from the sewer pipeline (for any new driveways) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
- b) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted within the sewer easement or within one metre of the sewer if no easement exists, to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
- c) Deep soil planting zones are not permitted within the sewer easement or within one metre of the sewer if no easement exists, to ensure adequate protection of council's public sewer infrastructure.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

46. 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]

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

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

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

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

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

48. 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]

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

[POC0435]

50. 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]

USE

51. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

52. The building is to be used for single dwelling purposes only.

[USE0505]

53. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.

[USE1245]

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 465 refers)

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

- 14 [PR-CM] Development Application DA19/0371 for a Two Lot Boundary Adjustment at Lot 2 DP 850714 No. 1289 Kyogle Road, Uki; Lot 92 DP 807666 No. 1317 Kyogle Road, Uki

466
Cr C Cherry
Cr K Milne

RESOLVED that Development Application DA19/0371 for a two lot boundary adjustment at Lot 2 DP 850714 No. 1289 Kyogle Road, Uki; Lot 92 DP 807666 No. 1317 Kyogle Road, Uki be approved in accordance with the recommendation of Council at the meeting of 3 October 2019 and the below conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Boundary Adjustment Plan No. 39519 prepared by Landsurv Pty Ltd and dated 18 May 2019, except where varied by the conditions of this consent. [GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design and Construction Specifications. [GEN0125]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

3. Prior to issue of a Subdivision Certificate, all works/actions/inspections etc required by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans. [PSC0005]
4. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with. [PSC0825]
5. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent. [PSC0830]
6. The creation of Easements for services, Rights Of Carriageway and Restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
 - (a) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006" Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis (as applicable).

Any Section 88B Instrument creating Restrictions as to user, Rights Of Carriageway or Easements which benefit Council shall contain a provision enabling such Restrictions, Easements or Rights Of Carriageway to be revoked, varied or modified only with the consent of Council.

[PSC0835]

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

Furthermore, prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed in accordance with Council's procedure on street numbering.

[PSC0845]

8. Prior to registration of the Plan of Subdivision, a **Subdivision Certificate** shall be obtained.

The following information must accompany an application:

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

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

[PSC0885]

9. Prior to the issue of a Subdivision Certificate, an on-site sewage management land capability assessment for proposed Lots 20 & 21 prepared by a suitably qualified on-site sewage management consultant shall be submitted to Council. The information should be provided in accordance with AS1547/2012.

Any such recommendations as provided within the on-site sewage management land capability assessment shall be carried out to the satisfaction of the General Manager or his delegate prior to the issue of the Subdivision Certificate.

[PSCNS01]

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

Asset Protection Zones

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

1. At the issue of Subdivision Certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 20, to the property boundary to the north and to a distance of 20 metres in other directions, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.'

2. At the issue of Subdivision Certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 21, to a distance of 5 metres to the west and 20 metres in other directions, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Proposal to Establish Alcohol-Free Zone

467

**Cr C Cherry
Cr K Milne**

RESOLVED that Council:

1. Endorses the *Proposal to Establish an Alcohol-Free Zone 2019 within Tweed Shire* (as identified in Attachment 1 to this report) be placed on public exhibition for a period of 30 days to establish an alcohol-free zone within Wharf Street between Bay Street and Kennedy Drive; River Terrace; and Terranora Terrace, Tweed Heads until 1 December 2021;
2. Notifies the prescribed interested parties, including NSW Police Force Local Area Commander and officers in charge of Tweed Heads, Kingscliff and Murwillumbah Police Stations, any liquor licensees and secretaries of registered clubs whose premises border on, or adjoin, or are adjacent to the zones, and the Tweed Byron Aboriginal Land Council of the proposal to establish the alcohol-free zone; and
3. Following the public exhibition, a report be brought back to Council seeking final endorsement of this proposal.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

16 [SCE-CM] Recycled Plastic Seating

468

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council receives and notes the report on Recycled Plastic Seating and continues to trial recycled park furniture products as they become available with the intent of increasing their use within the shire parks.
2. Council seeks advice from Bendigo Shire Council in regard to their use of Eco Pod seating and if positive feedback is provided that Council undertakes a trial of this product and in appropriate locations.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [SCE-CM] Tweed Regional Accessible Park and Playground Seed Funding

469

Cr K Milne

Cr P Allsop

RESOLVED that Council:

1. Endorses the use of the seed funding for the implementation of the Everyone Can Play Guidelines for inclusive children's play spaces in Tweed Shire and to ensure the active participation of people with disabilities in the process.
2. Accepts the grant from Variety Livvi's Place of \$30,000 to develop a concept plan for the upgrade of the existing playground located in Goorimahbah - Place of Stories to be an inclusive play space.
3. Votes both the income and expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [SCE-CM] Cool Towns - Greening the Shire Program

470

Cr K Milne

Cr C Cherry

RESOLVED that:

1. Council develops a program titled 'Cool Towns' with the objective of increasing canopy cover within the Shire, targeting hot spots.
2. The initial phase of the program utilises existing resources to build on existing tree planting programs to target hot spots and brand these programs under the 'Cool Towns' program.
3. Council develops a longer term program including community education and engagement programs, review of the assessment and approval process for new developments with reference to optimising tree canopy coverage.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [SCE-CM] Fee for Service - Servicing of a 19 Metre Refrigerated Waste Compactor Bin

471

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. Council endorses the public exhibition of proposed amendments to Council's 2019/2020 Fees and Charges for those items below for a period of 28 days inviting submissions, in accordance with Section 610F of the *Local Government Act 1993*.
2. A report be brought back to Council following the 28 day exhibition period summarising any submissions and making recommendation for Council to consider.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [SCE-CM] Response from Tomra Cleanaway regarding the Container Deposit Scheme

472

**Cr K Milne
Cr P Allsop**

RESOLVED that Council notes this report on the response from Tomra Cleanaway regarding the Container Deposit Scheme.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [SCE-CM] Application Under the Developer Contributions and Developer Charges for Community Organisations Policy

473

Cr K Milne

Cr P Allsop

RESOLVED that Council:

1. Agrees to enter into an agreement to defer the developer contribution charges of \$81,976.72 for the approved expansion (DA16/0550.01) of Pottsville Community Preschool Inc. (ABN: 42 645 460 513) for a period of ten years under the Development Contributions and Developer Charges for Community Organisations Policy.
2. Authorises the Mayor and the General Manager to have the Council seal affixed to the agreement with Pottsville Community Preschool located at 2-4 Centennial Drive, Pottsville.
3. Makes this offer of deferral available to the Pottsville Community Preschool for a period of 12 months from the date of this resolution.
4. Authorises under the agreement that payments will be required to be made in ten equal instalments due annually within 12 months from the date of the agreement.
5. 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

22 [SCE-CM] Nomination for Joint Hosting of NSW Coastal Conference 2020 with Byron Shire Council

474

Cr K Milne

Cr P Allsop

RESOLVED that Council:

1. Co-hosts the 29th NSW Coastal Conference with Byron Shire Council.
2. Commits to underwriting the event up to \$5,000 from the Coastal Management budget.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

23 [E-CM] Acceptance of Grant - Active Transport

475

Cr K Milne

Cr P Allsop

RESOLVED that Council:

1. Endorses the acceptance of the grant by the General Manager, for \$83,500 from Roads and Maritime Services to construct a shared user path along two sections of Piggabeen Road, Tweed Heads West and votes into the budget as part of the September 2019 Quarterly Budget Review.
2. Commits the required matching funding of \$83,500 from the Cycleways Program.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [E-CM] B-Double Applications - Meeting held 26 September 2019

476

Cr K Milne

Cr P Allsop

RESOLVED that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 26 September 2019 be received and noted.
2. Item 1. Minjungbal Drive, Tweed Heads South and Kennedy Drive, Tweed Heads Consent Request No 244001r17v1 (ECM 6047749; 6063425)

That the application (NHVR Consent Request Number 244001r17v1) for the use of a 19m B-Double truck up to 55t to access 6 - 8 Minjungbal Drive via Kennedy Drive and

Wharf Street be approved subject to a satisfactory structural bridge report. The applicant will need to provide an engineering report confirming that the bridge on Kennedy Drive, between Norman Street and Crystal Waters Drive is capable of carrying the extra 5 tonne load.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] Procurement Policy - Review of Procurement Thresholds

477

Cr K Milne

Cr P Allsop

RESOLVED that:

1. Endorses the revised Procurement Policy v 1.9 (incorporating changes regarding the tender threshold and the Business Associations Disclosure).
2. Approves the revised Procurement Policy v 1.9 to be placed on public exhibition for a period of 28 days for the receipt of written submissions.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [E-CM] RFO2019103 Rehabilitation of Gravity Sewerage Reticulation Mains

478

Cr K Milne

Cr P Allsop

RESOLVED that in respect to Contract RFO2019103 Rehabilitation of Gravity Sewerage Reticulation Mains:

1. Council awards a Contract to Aaro Group ABN 37 064 603 096 for the amount of \$1,408,726.12 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.

3. 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

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

Nil.

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

27 [FRIT-CM] Monthly Investment Report for Period Ending 30 September 2019

479

Cr W Polglase

Cr C Cherry

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 \$369,710,017.31 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

28 [PCG-CM] Disclosure of Interest Returns - 2018/2019

480

Cr K Milne

Cr P Allsop

RESOLVED that the Disclosure of Interest Returns for the period 1 July 2018 to 30 June 2019 for Councillors and Designated Persons (Council Officers) as tabled, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

29 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 11 September 2019

481

Cr K Milne

Cr P Allsop

RESOLVED that the minutes of the Equal Access Advisory Committee Meeting held Wednesday 11 September 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 26 September 2019

482

Cr W Polglase

Cr P Allsop

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held 26 September 2019 be received and noted and amended to remove the reference to the Tumbulgum Community Association requesting the reduction in speed limit on Dulguigan Road.
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] UniSport National 2019 Cycling Time Trial Events - 1 and 2 October 2019

That the proposed UniSport National 2019 Cycling Time Trial Events on 1 and 2 October 2019 be supported, subject to:

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 (submitted to Council at least 2 weeks prior to the event) implemented and controlled by Roads and 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. Adequate public liability insurance being held by the event organiser.
7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
8. Consultation with emergency services and any identified issues addressed.
9. Arrangements made for private property access and egress affected by the event.
10. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
11. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
12. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
13. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.
14. The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.
15. Consultation with the Hy-Tec quarry operator and any concerns addressed.

A2 [LTC] Nautilus Way, Kingscliff

That:

1. A double centre line be installed on Nautilus Way extending into the curve at Oasis Way commencing at the driveway at no. 2 for 32m to the north.
2. Council rangers be requested to monitor the situation and provide appropriate advice to contractors and enforce any relevant regulatory obligations and report back to the Committee.

A3 [LTC] Pottsville Beach Public School - Tweed Coast Road

That approval be given for the installation of a Children's Crossing on Tweed Coast Road for Pottsville Primary School, north of Elfran Street and it be installed subject to available funding.

The Motion was **Carried**

FOR VOTE - Unanimous

ADDENDUM ITEMS

Nil.

LATE ITEMS

31 LATE [MM-CM] Salt Surf Life Saving Club 14th Annual Sports Lunch LATE ITEM

**483
Cr K Milne**

RESOLVED that Item 31 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

**484
Cr K Milne**

RESOLVED that the attendance of the following Councillors at the Salt SLSC 14th Annual Sports Lunch on Friday 25 October 2019 be authorised:

- Cr P Allsop

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

**485
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

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

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Visitor Information Centre Lease

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 105

That Council:

1. Approves the World Heritage Rainforest Centre, Budd Park, Alma St, Murwillumbah to be used for a visitor information centre, tourist booking and merchandise sales, café / food outlet and office accommodation,
2. Enters into a lease with DR Tourism (ABN: 87 619 651 857) (Trading as The Tweed Tourism Company) for 12 months, with an option for an additional 12 months over Part Lots 1 & 2 on DP779813 and Lots 1-3 on DP779815, commonly known as World Heritage Rainforest Centre located at 17 Tweed Valley Way, South Murwillumbah NSW,
3. Authorises the Mayor and the General Manager have the Council seal affixed to the lease with DR Tourism of part of the World Heritage Rainforest Centre located at 17 Tweed Valley Way, South Murwillumbah."

The Motion was **Carried**

FOR VOTE - Unanimous

**REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT
IN COMMITTEE**

**C2 [SCE-CM] Unauthorised Vegetation Clearing at Lot 1 DP 418150 No. 1 Pacific
Drive Banora Point**

REASON FOR CONFIDENTIALITY:

This report contains personal details of an individual following investigation of an offence under *Development Control Plan Section A16 - Preservation of Trees or Vegetation* and the *Environmental Planning and Assessment Act 1979*.

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:

- (e) information that would, if disclosed, prejudice the maintenance of law.

C 106

That Council issues the property owner with a formal warning letter which details that Council could have issued a Penalty Infringement Notice for \$3,000 however, requests that they plant at least one local native tree of advanced stock (species to be determined) in an appropriate location on the lot (to be determined).

The Motion was **Carried**

FOR VOTE - Unanimous

**C3 [SCE-CM] Commonwealth Home Support Program (CHSP) Innovation Grant
- Thrive, Belong, Connect**

REASON FOR CONFIDENTIALITY:

Financial information provided could provide competitors commercial advantage.

Local Government Act

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

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

C 107

That, on receipt of formal funding agreements, Council:

1. Accepts the funding offer of \$121,266 (GST exclusive) for the Commonwealth Home Support Program Innovation Grant - Stage Two (G01759).
2. Amends the Budget and Long Term Financial Plan to reflect the acceptance of the grant or any variation and associated expenditure.
3. Executes the agreement and funding documents under the Common Seal of Council.
4. Votes both the income and expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C4 [E-CM] McAllisters Road Upgrade

REASON FOR CONFIDENTIALITY:

This report relates to negotiations between Council and a property developer regarding the contribution of public funds towards the upgrading of essential public infrastructure. It contains commercial information supplied by the developer's contractor.

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 108

That Council:

1. Authorises the General Manager to enter into a Deed of Agreement with the developer of DA04/1058 No. 38 McAllisters Road for the allocation of credits against s7.11 road contributions and for the contribution of funds towards the upgrade of McAllisters Road, as outlined in Option 1 of this report.
2. Allocates in the budget, as part of the September Quarterly Budget Review, the required funds from the Tweed Road Contribution Plan (s7.11 Plan No. 4) to contribute to the upgrade of McAllisters Road in accordance with the Deed of Agreement.
3. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

486

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 7.06pm.



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

Chairman

