

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 20 June 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 5.35pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Ms Jane Lofthouse (Unit Coordinator Natural Resource Management), 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 Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Michael Boyd from Tweed Heads Presbyterian Church.

"Gracious God,

Thank you for today, and for the health and strength to do our daily work.

Thank you for the work of Council as they serve the community and give their time to care for, manage and improve our region. Give them a deep satisfaction as they work for the needs of the present and chart a good course for the future.

Help Council as they seek to recognise the diversity of needs and interests within our community and implement good decisions for the benefit of all.

We deeply appreciate the heritage we have in the beauty and natural abundance of our region, and thank you for the work and wisdom of the people of the Bundjalung nation who have cared for this land for so long. May our work, and the work of Council, enable future generations to enjoy it even further.

Help us to honour and support all who have leadership roles in our Shire.

Bless Council in the conduct of this meeting tonight and the outworking of its decisions into the future.

We pray this in the name of Jesus, Amen."

APOLOGIES

Attendee Cr W Polglase has informed the General Manager that his absence is caused by being outside the Shire. This absence was accepted and minuted at the meeting held Thursday 6 June 2019 (Minute number 214 refers).

Nil.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of the Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 May 2019

222

**Cr P Allsop
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 May 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

ABSENT. DID NOT VOTE - Cr W Polglase

2 [CONMIN-CM] Confirmation of the Minutes of the Ordinary and Confidential Council Meeting held Thursday 6 June 2019

223

**Cr C Cherry
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 6 June 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.
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The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

SUSPENSION OF STANDING ORDERS

224

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Items 6, 13, 19 and 22 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

6 [NOM-Cr K Milne] Expansion of the existing Mt Nullum Nature Reserve

ALTERNATE MOTION

225

Cr K Milne
Cr C Cherry

RESOLVED that:

1. Council liaise with NSW National Parks and Wildlife Service (NPWS) on opportunities for the exchange of land that would best suit their interest as an owner of National Parks and Council's operational and community interests. Specifically the operational land listed below which Council owns in and around Mt Nullum and adjoining NSW NPWS, Mt Nullum Nature Reserve:

Lot 2 DP 600298
Lot 102 DP 755702
Lot 87 DP 755702
Lot 92 DP 755702

2. Following discussion with NSW NPWS, a report be brought back to Council on any opportunities for the exchange of land to the mutual benefit of both parties to enable ratification under the Common Seal of Council.

3. If NSW NPWS expresses interest in adding the above lots to the existing nature reserve that consultation occurs with adjoining landholders to address any concerns they may have.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Allsop

ABSENT. DID NOT VOTE - Cr W Polglase

- 13 **[PR-CM] Development Application DA18/0478 for the Demolition of Existing Structures, Tree Removal, Earthworks, Construction of Dwelling and Two Swimming Pools at Lot 1 SP 17328; No. 1/20 Lagoon Road ; Lot 2 SP 17328; No. 2/20 Lagoon Road**

ALTERNATE MOTION

226

**Cr K Milne
Cr C Cherry**

RESOLVED that Council defers this item to the Planning Committee meeting on 1 August 2019 and to:

1. Provide the community an opportunity to view and consider the current amended plans; and
2. Obtain further advice from the Fingal Head Community Association and to negotiate with the proponent on any unresolved issues in relation to the variations to the planning controls requested, and the best practice advice for Coastal Hamlets provided in the NSW Coastal Design Guidelines.
3. Seek advice from the NSW State Government and Commonwealth Government in regards to any removal of littoral rainforest that may require referral.

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

ABSENT. DID NOT VOTE - Cr W Polglase

19 [CNR-CM] Wyuna Road Community Land Foreshore Management

ALTERNATE MOTION

227

**Cr C Cherry
Cr K Milne**

RESOLVED that this item be deferred for a further Workshop between Councillors, staff and the residents of Wyuna Road.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

22 [CNR-CM] Jack Evans Boat Harbour Plan of Management - Land Tenure

228

**Cr C Cherry
Cr K Milne**

RESOLVED that Council:

1. Supports the scope of the proposed Draft Jack Evans Boat Harbour Plan of Management to include the Jack Evans Boat Harbour Waterway, Chris Cunningham Park, Goorimahbah, Ebenezer Park and land north of Coral Street excluding land subject to Aboriginal Land Claim 24855 as resolved at its meeting on 17 April 2019;
2. Requests the Minister for Water, Property and Housing that Council be appointed Crown Land Manager of Crown land outlined in the following table; and

Lot//DP	Crown Reserve	Initial Category
Lot 7339 DP 1166191	To be added to R57974	Park
Lot 7034 DP1052935 & Lot 7068 DP 1113061	R55246	Park
Lot 7036 DP 1054009 and part Lot 703 DP 877250	R80245	Park
Lot 7091 DP 1108680 & Lot 7329 DP 1163074 Excluding the training walls	R755740	Park/ Natural Area (Watercourse)

3. Provides notice to the Minister for Water, Property and Housing of the initial categories assigned to each of the Crown Reserves Council is requesting to be appointed Crown Land Manager to comply with Section 3.23 of the *Crown Land Management Act 2016*.

4. Prepares a separate Plan of Management over the land subject to Aboriginal Land Claim 24855 in consultation with the NSW Aboriginal Land Council

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

ABSENT. DID NOT VOTE - Cr W Polglase

RESUMPTION OF STANDING ORDERS

229

Cr K Milne

Cr P Allsop

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

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 20 June 2019

The Schedule of Outstanding Resolutions at 20 June 2019 was noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for May 2019

230

Cr K Milne

RESOLVED that the Mayoral Minute for the month of May 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions at 20 June 2019

231

Cr C Cherry
Cr R Cooper

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

- Petition received on 3 June 2019 containing 323 signatures in relation to the Kunghur Community Hall advising:

"We the undersigned hereby respectfully request the Tweed Shire Council to:

- 1. Recognise the history and intent for which the Kunghur Community Hall was built.*
- 2. Reinstate the hall as a shared community space and help develop community resources in this remote western corner of the Tweed Shire.*
- 3. Allow a new Kunghur Community Hall Committee to form, with the purpose of managing the hall, as other halls are similarly managed within the Tweed Shire.*
- 4. Give back control of building maintenance to the Kunghur Community Hall Committee and help release frozen funds that can be used for this purpose.*
- 5. Allow the Kunghur Community Hall Committee and the Kunghur Preschool to work collaboratively to manage the hall. This could include systems and rules for the efficient moving of preschool equipment, so that the burden in sharing the space is reduced."*

There was reference to 512 signatures, however, given that there were no details of the online petition only the 323 signatories can be admitted. This figure also includes letters of support from various local organisations and individuals.

- Petition received on 5 June 2019 containing 23 signatures in relation to DA 17/0564.01 125 River Street, South Murwillumbah advising:

"I would like to show my support for the construction at 125 River St, South Murwillumbah on the following grounds:

This is a flood prone area where the majority of houses have been raised to a similar height and therefore height variation is justified.

The property and particularly the roof has significant architectural merit.”

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

ORDERS OF THE DAY

6 [NOM-Cr K Milne] Expansion of the existing Mt Nullum Nature Reserve

This item was dealt with earlier in the meeting. (Minute No 225 refers).

7 [NOM-Cr R Byrnes] Anti-Dumping Measures - McAllisters Road, Bilambil Heights and other applicable areas

232

Cr R Byrnes
Cr C Cherry

RESOLVED that Council:

- 1 Places anti-dumping signs along McAllisters Road, Bilambil Heights as a deterring measure against further illegal rubbish dumping.
- 2 Looks at past hot spots of illegal dumping and considers placing signage and surveillance cameras where such measures have yet to be enacted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

8 [NOM-Cr R Byrnes] Traffic Speeding Concerns - Casuarina

ALTERNATE MOTION

233

**Cr R Byrnes
Cr K Milne**

RESOLVED that:

- 1 An updated report be generated by Council advising of options focussing on 'awareness' and 'Smiley Signage' to reduce vehicle speeding in Casuarina, with special emphasis on Casuarina Way, south of Santai Resort.
- 2 Council staff work in collaboration with the Casuarina Seaside Salt Residents Association (CASSRA) on this report and options contained therein.
3. Council immediately writes to the Member for Tweed, Geoff Provest, and Member for Lismore, Janelle Saffin, to follow up Council's previous request for funding for 'Smiley Face' speed signs to raise the profile of road safety in our community and reduce speeds on local roads.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

9 [NOM-Cr R Byrnes] Bus Stop Adequacy Audit

234

**Cr R Byrnes
Cr K Milne**

RESOLVED that:

- 1 A report be generated by Council advising of the current adequacy of design, construction and maintenance of our current bus stops in the Tweed Shire - The report is to contain options to improve these shelters where applicable, and where possible to increase shelters on bus stops that do not currently have seating or shelter.
- 2 As part of 1 above a short survey on Council's website, to be promoted on social media platforms, asking Shire residents on where new bus stops are needed, or how current stops can be improved along current routes.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

10 [NOM-Cr J Owen] Funding Request for "Smiley Face" Speed Signs

This motion was withdrawn as it was considered in conjunction with the Notice of Motion at Item 8 (Minute No 233 refers).

11 [NOM-Cr J Owen] Kennedy Drive/Norman Street and Terranora Creek Boat Ramp

235

Cr J Owen
Cr P Allsop

RESOLVED that Council officers expeditiously investigate options relating to the intersection of Kennedy Drive/Norman Street and the Terranora Creek boat ramp in Tweed Heads and send a report to the Local Traffic Committee for consideration.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

QUESTIONS ON NOTICE

Nil.

PROCEDURAL MOTIONS

236

Cr K Milne
Cr C Cherry

RESOLVED that Items 14 to 45, with the exception of Item(s) 12, 15, 34 and 38, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

237

**Cr K Milne
Cr P Allsop**

RESOLVED that Items 14 to 45, with the exception of Item(s) 12, 15, 34 and 38 be moved in block.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

12 [GM-CM] NSW Ombudsman Review - Tweed Valley Hospital

238

**Cr J Owen
Cr C Cherry**

PROPOSED that Council receives and notes the correspondence from the NSW Ombudsman dated 30 May 2019.

AMENDMENT 1

239

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Notes that the Ombudsman's advice was that their investigation was confined only to the "conduct in relation to how Health Infrastructure's advice had been obtained".
2. Makes the advice of Senior Counsel Tim Robertson of 17 December 2018 available for viewing in Council offices.

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

The Amendment 1 was **Carried** on the Casting Vote of the Mayor (Minute No 239 refers).

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

The Amendment 1 becoming the Motion was **Carried** on the Casting Vote of the Mayor.

A RESCISSION MOTION ON THIS ITEM WAS RECEIVED AT THE MEETING FROM COUNCILLORS OWEN, ALLSOP AND BYRNES. THIS RESCISSION MOTION WILL BE CONSIDERED AT THE MEETING ON 4 JULY 2019.

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.12pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.50pm

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 13 [PR-CM] Development Application DA18/0478 for the Demolition of Existing Structures, Tree Removal, Earthworks, Construction of Dwelling and Two Swimming Pools at Lot 1 SP 17328; No. 1/20 Lagoon Road ; Lot 2 SP 17328; No. 2/20 Lagoon Road; No. 22 Lagoon Road Fingal Head

This item was dealt with earlier in the meeting. (Minute No 226 refers).

- 14 [PR-CM] Development Application DA18/1030 for the Demolition of Existing Structures and Erection of Dual Occupancy (Detached) at Lot 311 DP 246199 No. 43 The Quarterdeck, Tweed Heads

240

Cr K Milne
Cr P Allsop

RESOLVED that Development Application DA18/1030 for the demolition of existing structures and erection of dual occupancy (detached) at Lot 311 DP 246199 No. 43 The Quarterdeck, Tweed Heads be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA04, DA06, DA07, DA08, DA09, DA12, DA13, DA14, DA15, DA16, DA17, prepared by Armstrong & Co architects and dated 03/04/19, except where varied by the conditions of this consent.
[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.
[GEN0135]

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

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.
[GEN0155]

5. 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]

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

7. If asbestos containing material is to be removed then prior to the commencement of construction of the new structure or use of the site a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2017. A copy of this certificate shall be forwarded to the [Principal Certifying Authority](#) and Council within 7 days of completion of the 'clearance inspection'.
[GEN0350]

8. 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]

9. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2017.

[GEN0360]

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

[GEN0365]

11. Both proposed strata lots shall connect to the existing sewer junction at front of the property on The Quarterdeck road verge.

[GENNS01]

12. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Pacific Geotech Consulting Geotechnical Engineers, dated November 2018, except where varied by the conditions of this consent.

All individual house sites may be subject to further geotechnical testing at time of building approval.

[GENNS02]

13. Vegetation removal shall be limited to those trees identified as 'Trees to be removed' on Dwg. No. DA06 dated 20 November 2018 prepared by Armstrong & Co Architects and described as tree numbers 1, 2, 8, 13 and 14 in Arboricultural Impact Assessment Report (AIAR) dated 02 October 2018 prepared by Peter Gray. All other native trees identified in the AIAR occurring on the subject site shall be afforded adequate protection during the construction stage and retained for the life of the development unless otherwise approved by Council's General Manager or delegate.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0175]

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 @ \$921 per Trips
(\$815 base rate + \$106 indexation)
CP Plan No. 4
Sector1_4 | \$1,197 |
| (b) Open Space (Casual):
1 ET @ \$624 per ET
(\$502 base rate + \$122 indexation)
CP Plan No. 5 | \$624 |
| (c) Open Space (Structured):
1 ET @ \$714 per ET
(\$575 base rate + \$139 indexation)
CP Plan No. 5 | \$714 |
| (d) Shirewide Library Facilities:
1 ET @ \$933 per ET
(\$792 base rate + \$141 indexation)
CP Plan No. 11 | \$933 |
| (e) Bus Shelters:
1 ET @ \$71 per ET
(\$60 base rate + \$11 indexation)
CP Plan No. 12 | \$71 |
| (f) Eviron Cemetery:
1 ET @ \$135 per ET
(\$101 base rate + \$34 indexation)
CP Plan No. 13 | \$135 |
| (g) Community Facilities (Tweed Coast - North)
1 ET @ \$1539 per ET
(\$1,305.60 base rate + \$233.40 indexation)
CP Plan No. 15 | \$1,539 |

- (h) Extensions to Council Administration Offices
& Technical Support Facilities
1 ET @ \$2187.14 per ET \$2,187.14
(\$1,759.90 base rate + \$427.24 indexation)
CP Plan No. 18

- (i) Cycleways:
1 ET @ \$526 per ET \$526
(\$447 base rate + \$79 indexation)
CP Plan No. 22

- (j) Regional Open Space (Casual)
1 ET @ \$1215 per ET \$1,215
(\$1,031 base rate + \$184 indexation)
CP Plan No. 26

- (k) Regional Open Space (Structured):
1 ET @ \$4264 per ET \$4,264
(\$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

[PCC0265]

17. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

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

[PCC0945]

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

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

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

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

[PCC1145]

20. For developments containing less than four attached or detached strata dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

21. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

22. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

23. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate. The detailed plan of landscaping should be reflective of the Landscape Concept Plan dated 14 November 2018 prepared by Plummer & Smith and shall meet the following plant selection criteria:

- a. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
- b. A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
- c. No environmental weed species.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

24. 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]

25. An application is to be made to Council to temporarily “cap off” the existing building sewerage house drainage from Council's sewerage system, prior to any demolition work commencing. A Plumbing and Drainage Works on Private Land <http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSepticForm.pdf> application form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges.

[PCW0045]

26. 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]

- 27. 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]

- 28. 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]

- 29. 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]

- 30. 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]

31. 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]

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

[PCW1005]

33. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new (or modification of the existing) driveway access (or modification of access).

Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

34. All pre-construction arboricultural management measures as specified in the Arboricultural Impact Assessment Report (AIAR) dated 02 October 2018 prepared by Peter Gray shall be satisfactorily implemented prior to commencement of works.

[PCWNS01]

DURING CONSTRUCTION

35. 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]

36. 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]

37. 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]

38. 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]

39. 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]

40. 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]

41. 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]

42. 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]

43. 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]
44. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1015]
45. 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]
46. 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]
47. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site. [DUR2185]
48. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. [DUR2205]
49. Written notice shall be provided to the 'regulator' at least 5 days before the removalist commences licensed asbestos removal work in accordance with Clause 466 of the Work Health and Safety Regulation 2017. [DUR2840]
50. A supervising Project Arborist with a minimum Australian Qualification framework (AQF) level 5 in Arboriculture shall be engaged to:
- a. Oversee all tree removal and any earthworks (including piling) within the tree protection zone of all trees identified to be retained and protected
 - b. Carry out mitigation/remediation works during the construction period in general accordance with the *Australian Standard AS4970 - 2009 Protection of trees on development sites*. [DURNS01]
51. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during all tree removal operations. Fauna management methods employed should be generally consistent with the Draft Queensland Code of Practice for the Welfare of Wild Animals Affected by Clearing and Other Habitat and Wildlife Spotter/Catchers (Hangar & Nottidge 2009). Where translocation is required the proponent shall seek any relevant permits from the state regulating agency (NSW Office of Environment & Heritage). It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions. [DURNS01]

52. During the construction period and with respect to vegetation and fauna management measures the applicant must comply with any directions given by:
- a. Project Arborist;
 - b. Qualified ecologist; and/or
 - c. Council's General Manager or delegate.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

53. 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]

54. 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]

55. 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]

56. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

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

[POC1055]

58. An arboricultural certification report prepared by the Project Arborist ((Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the issue of occupation certificate demonstrating compliance with:

- a. Condition 1 of this consent and Arboricultural Impact Assessment Report (AIAR) dated 02 October 2018 prepared by Peter Gray;
- b. *Australian Standard AS4970 - 2009 Protection of trees on development sites*; and
- c. Any other tree management measure to protect retained vegetation as directed by Council's General Manager or delegate or Project Arborist during the construction period.

[POCNS01]

59. All approved landscaping requirements must be completed in accordance with the approved detailed plan of landscaping to the satisfaction of the General Manager or delegate prior to the issue of occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate.

[POCNS01]

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

15 [PR-CM] Amended 2019/20 Planning & Regulatory Services Fees

ALTERNATE MOTION

241

Cr K Milne
Cr P Allsop

RESOLVED that:

1. Council endorses the public exhibition of amendments to Council 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.

Water, Sewerage & Drainage Inspections	Current (GST exempt)	Proposed (GST exempt)
Minimum number of inspections required:		
For dwellings – (4)	\$648.00	\$648.00
For Dual Occupancy – Attached (4 when built concurrently)	\$648.00	\$648.00
For Dual Occupancy – Detached (4 when built concurrently)	\$648.00	\$648.00
For alterations/additions including plumbing – (1–4 depending on proposed work)	\$648.00	\$162.00
On Site Sewage Management – Approval to Operate (per system) Each additional system in excess of 4 (application fee only)	\$48.00	\$48.50

2. A report be submitted back to Council following the public exhibition period.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

16 [CNR-CM] Proposals for Commercial Horse and Camel Rides on Tweed Shire Beaches

242

Cr K Milne
Cr P Allsop

RESOLVED that Council considers the feasibility of facilitating commercial horse and/or camel rides during the development of, and consultation for, the Tweed Coast Coastal Management Program, enabling the issue to be considered holistically in the context of other beach uses and community desires.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

17 [CNR-CM] Declaration of Dog Prohibited Areas under the Companion Animals Act 1998

243

Cr K Milne
Cr P Allsop

RESOLVED that Council prohibits dogs under Section 14 (1c) of the *Companion Animals Act 1998* in the entirety of Lot 7074 DP 1113900 and immediate adjacent estuary foreshore of Mooball Creek to Low Water Mark and the current mapped dog exclusion zone between the mouth of Cudgera Creek and the Tweed Coast Road bridge, including Cudgera Creek Park and that portion of Hastings Point Headland used as a primitive camp ground.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

18 [CNR-CM] Sustainable Agriculture Small Grants Program Outcomes 2018/2019

244

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Endorses the continuation of the Sustainable Agriculture Small Grants Program for an additional three years.
2. Votes the expenditure of up to \$25,000 a year from the Sustainable Agriculture Program subject to the adoption of each year's budget.
3. Notes the outcomes of the one-year pilot of the Sustainable Agriculture Small Grants Program.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

19 [CNR-CM] Wyuna Road Community Land Foreshore Management

This item was dealt with earlier in the meeting. (Minute No 227 refers).

20 [CNR-CM] Licence for Uki Residents' Association Environmental Facility

245

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Enters into a 12 month licence agreement with Uki Residents' Association (UKIRA) to establish a community environmental facility on Lot 203 DP 755730 Kyogle Road Uki.
2. Executes the licence agreement under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

21 [CNR-CM] Renaming of Park Burringbar - Burringbar Memorial Reserve and Masterson Park

246

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Renames Masterson Park Burringbar to "*Burringbar Memorial Reserve and Masterson Park*".
2. Installs story boards providing information about Major Samuel Alcorn Masterson and the significance of the park as a memorial.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

22 [CNR-CM] Jack Evans Boat Harbour Plan of Management - Land Tenure

This item was dealt with earlier in the meeting. (Minute No 228 refers).

23 [CNR-CM] Reintroduction of Waste Levy in Queensland - Impact to Cost of Contract RFO2016128

247

Cr K Milne
Cr P Allsop

RESOLVED that Council notes the increase in the cost to dispose of waste in Queensland and the impact has been incorporated in the Draft 2019/2020 Fees and Charges and Draft 2019/2020 Budget documents.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

24 [CNR-CM] Rural and Regional Youth Participation Grants

248

Cr K Milne
Cr P Allsop

RESOLVED that Council notes the receipt of \$1,500 (plus GST) in funding from the Rural and Regional Youth Participation Grants which will go towards holding a Youth Music Forum in 2019.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

25 [CNR-CM] Tweed Regional Museum Strategic Plan and Museum Service Agreement

249

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Adopts the Tweed Regional Museum Strategic Plan 2019/2020 – 2020/2021.
2. Notes execution of the Tweed Regional Museum Service Agreement 2019.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

REPORTS FROM THE DIRECTOR ENGINEERING

26 [E-CM] Inquest into the Deaths of Stephanie Jane King, Ella-Jane Kabealo and Jacob Matthew Kabealo

250

Cr K Milne
Cr P Allsop

RESOLVED that Council formally accepts and actions the recommendations from the Inquest into the deaths of Stephanie Jane King, Ella-Jane Kabealo and Jacob Matthew Kabealo.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

27 [E-CM] Minutes of the B-Double Routes Agency Advisory Group meeting held Thursday 2 May 2019

251

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. The Minutes of the B-Double Routes Agency Advisory Group Meeting held Thursday 2 May 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

1. **Tweed Valley Way, Quarry Road, Lundberg Drive and Kite Crescent, South Murwillumbah Consent Request No 218536r1v1 (ECM 5846893, ECM 5823752) - 26m B Double access at Higher Mass Loading (HML) on existing B Double Route (ECM 575540) - Mick Bourke Transport**

That the request for a Higher Mass Limit on Tweed Valley Way, Quarry Road, Lundberg Drive and Kite Crescent be supported for Mick Bourke Transport, subject to an appropriate Quarry Road Bridge structural integrity assessment.

2. **Tweed Valley Way and McLeod Street to the Condong Sugar Mill Consent Request No 220119r1v1 - 26m B Double access at HML on existing B Double Route (ECM 5756149) - Mick Bourke Transport**

That the request for a Higher Mass Limit on Tweed Valley Way, Cane Road and McLeod Street, Murwillumbah be supported for Mick Bourke Transport.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

28 [E-CM] B-Double Outstanding Applications

252

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. The applications from Black Mount Pty Ltd and from Ray Cavanough Transport Pty Ltd to extend the existing 19m B-Double route (50-55t) from 2574 Kyogle Road through to Tweed Valley Way, be refused.

- The application for the use of a 19m B-Double (50-55t) to access the Hy-Tec Quarry on Dulguigan Road be refused.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

29 [E-CM] RFO2019065 Supply of Water Treatment Chemicals

253

Cr K Milne

Cr P Allsop

RESOLVED that in respect to Contract RFO2019065 Supply of Water Treatment Chemicals:

- Council awards the offer to the following Providers at the rates mentioned in the Confidential Attachment 1 RFO2019065 Offer Evaluation Report for a period of 24 months and the General Manager be given delegated authority to extend the contract for a further possible 2 x 12 month periods.
- Council declines to accept any of the Offers for Schedule D: Carbon Dioxide and enters into negotiations with any person for Schedule D: Carbon Dioxide in accordance with Regulation 178 of the Local government (General) Regulation 2005.

Schedule	Recommended Contractor	Recommended Contractor's ABN
SCHEDULE A: Aluminium Chlorohydrate	Ixom Operations Pty Ltd	51 600 546 512
SCHEDULE B: Aluminium Sulphate	Omega Chemicals Pty Ltd	32 982 143 022
SCHEDULE C: Calcium Hypochlorite	Innovative Water Care International Pty Ltd	92 074 240 707
SCHEDULE E: Chlorine Gas	Ixom Operations Pty Ltd	51 600 546 512
SCHEDULE F: Citric Acid	Omega Chemicals Pty Ltd	32 982 143 022
SCHEDULE G: Hydrated Lime	Ixom Operations Pty Ltd	51 600 546 512
SCHEDULE H: Hydrofluosilicic Acid	Axio Operations	88 602 074 322
SCHEDULE I: Sodium Bisulphite	Omega Chemicals Pty Ltd	32 982 143 022
SCHEDULE J: Magnesium Hydroxide	Grenof Pty Ltd	17 166 936 894
SCHEDULE K: Polymer	BTX Group Pty Ltd	47 131 302 942

Schedule	Recommended Contractor	Recommended Contractor's ABN
SCHEDULE L: Potassium Permanganate	Ixom Operations Pty Ltd	51 600 546 512
SCHEDULE M: Carbon	Activated Carbon Technologies Pty Ltd	67 103 713 622
SCHEDULE N: Sodium Hydroxide	Coogee QCA Pty Ltd	54 009 985 326
SCHEDULE O: Sodium Hypochlorite	Coogee QCA Pty Ltd	54 009 985 326

2. Council declines to accept any of the Offers for Schedule D: Carbon Dioxide and enters into negotiations with any person for Schedule D: Carbon Dioxide in accordance with Regulation 178 of the Local government (General) Regulation 2005.
3. 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.
4. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

30 [E-CM] RFO2019046 South Murwillumbah Levee Repair

254

Cr K Milne
Cr P Allsop

RESOLVED that in respect to Contract RFO2019046 South Murwillumbah Levee Repair:

1. Council awards a contract to MGN Civil Pty Ltd ABN 49 608 290 562 for the amount of \$3,487,895.45 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.

3. ATTACHMENTS 1 and 2 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

ABSENT. DID NOT VOTE - Cr W Polglase

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

This item was consider in conjunction with Confidential Agenda Item C4 (Minute No C69 refers)

32 [E-CM] RFO2019045 Plant and Equipment Hire and Truck Haulage

This item was considered in conjunction with Addendum Item 46 (Minute No 268 refers).

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

33 [FRIT-CM] Integrated Planning and Reporting Framework - 2017/2021 Delivery Program and 2019/2020 Operational Plan

255

**Cr K Milne
Cr P Allsop**

RESOLVED that Council adopts:

1. The Water Supply and Wastewater Asset Management Plans (May 2019), Version 3.1 and amends the Resourcing Strategy 2019 (Section 2: Asset Management Planning) to incorporate the updated Water and Wastewater asset data.
2. The following plans, as exhibited and amended:
 - Delivery Program 2017/2021;
 - Operational Plan 2019/2020;
 - Resourcing Strategy 2019 supporting the 2017-2027 Community Strategic Plan (as further amended by 1. above)

- Revenue Policy and Statement 2019/2020;
- Budget 2019/2020; and
- Fees and Charges 2019/2020.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

34 [FRIT-CM] Monthly Investment Report for period ending 31 May 2019

256

Cr K Milne
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 May 2019 totalling \$337,100,824 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

35 [PCG-CM] Ken McDonald Training Centre, Kingscliff - Lease Arrangements

257

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Enters into a lease agreement with Surf Life Saving Far North Coast Branch for use of the Ken McDonald Training Centre located within Ed Parker Rotary Park, Lot 287 DP 542598, Kingscliff.
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

36 [PCG-CM] Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2019

258

Cr K Milne

Cr P Allsop

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 January 2019 to 31 March 2019.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

37 [PCG-CM] Legal Services Register Report for the period 1 January to 31 March 2019

259

Cr K Milne

Cr P Allsop

RESOLVED that Council receives and notes the Legal Services Register report for the period 1 January to 31 March 2019.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

38 [PCG-CM] Alternate Council Delegate - Audit, Risk and Improvement Committee

260

Cr K Milne

Cr R Byrnes

RESOLVED that Council appoints Cr C Cherry as the additional alternate elected delegate to the Audit, Risk and Improvement Committee.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

39 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 1 April 2019

261

Cr K Milne
Cr P Allsop

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 1 April 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

40 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2019

262

Cr K Milne
Cr P Allsop

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

OM1 New Member for Equal Access Advisory Committee

That the available position on the Equal Access Advisory Committee be left vacant until the next Committee is formed.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

41 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 2 May 2019

263

Cr K Milne

Cr P Allsop

RESOLVED that:

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

A4. [LTC] Elizabeth Street, Pottsville

That:

1. A "No Parking, Turning area" sign be installed on either side of the new turnaround area at the southern end of Elizabeth Street.
2. That a yellow "No Stopping" line be installed from the southern "No Parking" zone adjacent the turnaround to the start of the driveway at Number 1 Elizabeth Street, Pottsville.

A5. [LTC] Meridian Way, Tweed Heads

That 'Keep Clear' pavement stencils be installed on Ducat Street at the Meridian Way intersection.

A7. [LTC] Cooly Rocks On 8 - 9 June 2019

That the proposed traffic diversions associated with the Cooly Rocks On event from 5 to 9 June 2019 be supported, subject to:

1. NSW Police approval being obtained.
 2. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
-

3. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
4. *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.*
5. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
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 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.*

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

42 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 May 2019

264

Cr K Milne
Cr P Allsop

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 May 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

GB5. Community Reference Group for Smart, Small, Sustainable (SSS) Village Proposal, Wardrop Valley

That once the Terms of Reference for the Community Reference Group for Smart, Small, Sustainable (SSS) Village Proposal, Wardrop Valley have been developed, they be referred to the Aboriginal Advisory Committee for consideration.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

43 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 8 May 2019

265

**Cr K Milne
Cr P Allsop**

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 8 May 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

44 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 8 May 2019

266

**Cr K Milne
Cr P Allsop**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 8 May 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

45 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Wednesday 15 May 2019

267

**Cr K Milne
Cr P Allsop**

RESOLVED that the Minutes of the Community Halls Advisory Committee Meeting held Wednesday 15 May 2019 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

ADDENDUM ITEMS

ADDENDUM REPORTS FROM THE DIRECTOR ENGINEERING

46 ADDENDUM [E-CM] RFO2019045 Plant & Equipment Hire and Plant Haulage

268

**Cr K Milne
Cr R Cooper**

RESOLVED that in accordance with RFO2019045 Plant & Equipment Hire and Truck Haulage:

1. Council appoints the recommended Bidders described in the evaluation report and listed following, to a panel to supply five (5) categories of constructional plant over the next two years, for the Schedules of rates submitted.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 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

ABSENT. DID NOT VOTE - Cr W Polglase

LATE ITEMS

Nil.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

269

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

ABSENT. DID NOT VOTE - Cr W Polglase

CONFIDENTIAL ITEMS FOR CONSIDERATION

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Park Naming - George Beattie Park - Oxley Cove

REASON FOR CONFIDENTIALITY:

Council has previously resolved to consider park naming proposals in confidential to avoid embarrassment to individuals or families should Council not support a submission.

Local Government Act

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

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

C 66

That Council calls for comment regarding the naming of the park located in Bosun Boulevard, Oxley Cove, "*George Beattie Park*" in accordance with Council's Naming of Council Public Parks and Sportsfields Policy.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C2 [E-CM] Potential Purchase of Flood Liable Land

REASON FOR CONFIDENTIALITY:

This report relates to the potential purchase of land and contains land valuation information that could form the basis of negotiations with external parties.

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 67

That Council authorises the General Manager to submit an offer and undertake negotiations for the purchase of 45 Wardrop Street, South Murwillumbah (Lots 6-10 Sec 12 DP 2974), to the amount as proposed in Option 1 of this report.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

C3 [E-CM] RFO2018111 Design, Supply and Installation of Creative Lighting on Tweed Border Marker

REASON FOR CONFIDENTIALITY:

No advantage to prospective bidders during negotiation process.

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 68

That in respect to Contract RFO2018111 Design, Supply and Installation of Creative Lighting on Tweed Border Marker:

1. Council declines to accept any of the Offers in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005; and
2. The General Manager be granted delegated authority to undertake negotiations with Ikonix Australia Pty Ltd (ABN-13 612 576 995) and at least one other suitable party to achieve the best value for money.
3. A workshop be held or briefing note be provided prior to acceptance of the final offer to inform Councillors of the project negotiation outcome.

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

ABSENT. DID NOT VOTE - Cr W Polglase

ADDENDUM ITEMS IN COMMITTEE

ADDENDUM REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C4 ADDENDUM [E-CM] RFO2018141 Design and Construct Uki Water Treatment Plant

REASON FOR CONFIDENTIALITY:

The information, if disclosed, would provide a competitive advantage to Bidders and would not be in Council's commercial interest.

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 69

That in respect to Contract RFO2018141 Design and Construction of Uki Water Treatment Plant:

1. Council declines to accept any offer in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005; and
2. Council enters into negotiations with AquaManage Environmental Pty Ltd (ABN 18 151 268 156) and Trility Pty Ltd (ABN 48 053 122 562) with the results of the negotiations reported to Council for a decision.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

270

Cr R Byrnes
Cr K Milne

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

There being no further business the Meeting terminated at 8.15pm.



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

Chairman

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