



**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 7 November 2019**

held at

**Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road,  
Murwillumbah**

commencing at the conclusion of the Planning Committee meeting  
which commences at 5.30pm.

# Principles for Local Government

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

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

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

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

### (2) Decision-making

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

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

### (3) Community participation

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

The Meeting commenced at 8.05pm.

### **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), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Ms Ann Mesic (Minutes Secretary).

### **APOLOGIES**

Nil.

### **CONFIRMATION OF PLANNING COMMITTEE MINUTES**

#### **1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 7 November 2019**

**487**

**Cr P Allsop**  
**Cr C Cherry**

**RESOLVED** that the recommendations of the Ordinary Planning Committee Meeting held Thursday 7 November 2019 be adopted.

#### **3 [PR-PC] Re-exhibition of the draft Kingscliff Locality Plan and Development Control Plan**

**RECOMMENDED** that Council:

1. Endorses the *Draft Kingscliff Locality Plan* and draft *Tweed Development Control Plan 2008 Section B26 Kingscliff* to be publicly re-exhibited until the end of January 2020 for a minimum period of 42 days, in accordance with Section 18 of the *Environmental Planning Assessment Regulation 2000*;
3. Gives notice of its intent to repeal *Section B4 West Kingscliff* of the *Tweed Development Control Plan 2008* and the reasons for doing so, in accordance with Section 23 of the *Environmental Planning and Assessment Regulation 2000*; and
3. Undertakes consultation during the public exhibition period to include an advertisement within the Tweed Link and a 'drop-in' community conversation to be undertaken by Council staff at a venue in Kingscliff; and
4. Brings back a further report detailing the content and response of submissions following the public exhibition.

**5 LATE [PR-PC] Development Application DA19/0683 for the Construction of the New Tweed Valley Hospital (NSW Planning & Environment App No. SSD 10353) and DA18/0685.01 Modification to the Concept Plan (NSW Planning & Environment App No. SSD 9575) at Lot 11 DP 1246853 No. 771 Cudgen Road, Cudgen**

**ALTERNATE MOTION**

**RECOMMENDED** that:

1. Council in regard to Development Application DA19/0683 for the construction of the new Tweed Valley Hospital (NSW Planning & Environment App No. SSD 10353) and DA18/0685.01 Modification to the Concept Plan (NSW Planning & Environment App No. SSD 9575) at Lot 11 DP 1246853 No. 771 Cudgen Road, Cudgen endorses the Draft Council Submission at Attachment 1 with the following additions:
  - a. Tweed Shire Council notes the commitment in February 2019 by NSW Deputy Premier John Barrilaro and Member for Tweed, Geoff Provest that parking at the new Tweed Valley Hospital will remain free.  
  
<https://www.tweeddailynews.com.au/news/tweed-heads-hospital-to-be-retained-for-medical-se/3643074/>
  - b. Council notes with grave concern recent media reports that this commitment may be abandoned by the NSW State Government and the Member for Tweed Geoff Provest.
  - c. Council's requirement for Health Infrastructure to pay water and sewer developer contributions for this development based on their impact on Council's water and wastewater systems.
  - d. An improved outcome for sustainability should be required over and above the proposed 4 Star Green rating as was achieved by the recently built 6 Star rated Sunshine Coast University Hospital, and the visual impact of the hospital building should be softened with living walls and a green roof in this highly prominent and visually sensitive site.
2. Council writes to the NSW Premier Gladys Berejiklian, NSW Deputy Premier John Barrilaro and Member for Tweed Geoff Provest requesting on behalf of residents of the Tweed Shire that they keep their commitment for no paid parking at the new Tweed Valley Hospital.

**1 [PR-PC] Development Application DA19/0101 for Four Townhouses at Road 2070 First Avenue, Tweed Heads and Lot 1 DP 780214 No. 5 First Avenue, Tweed Heads**

**RECOMMENDED** that Development Application DA19/0101 for four townhouses at Road 2070 First Avenue, Tweed Heads; Lot 1 DP 780214 No. 5 First Avenue, Tweed Heads be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by PMH Planning and dated June 2019 (Version 2) and the following plans prepared by Burleigh Design and dated 11 June 2019, except where varied by the conditions of this consent:

- Site Plan Drg No 18-4594, Sheet 1 of 12, Issue F;
- Landscape Plan Drg No 18-4594, Sheet 2 of 12, Issue F;
- Unit 1 and 2 Floor Plans Drg No 18-4594, Sheet 3 of 12, Issue F;
- Unit 3 and 4 Floor Plans Drg No 18-4594, Sheet 4 of 12, Issue F;
- Elevations 1 Drg No 18-4594, Sheet 5 of 12, Issue F;
- Elevations 2 Drg No 18-4594, Sheet 6 of 12, Issue F;
- Elevations/Sections Drg No 18-4594, Sheet 7 of 12, Issue F;
- Upper roof plan Drg No 18-4594, Sheet 8 of 12, Issue F;
- Colour Elevations 1 Drg No 18-4594, Sheet 9 of 12, Issue F;
- Colour Elevations 2 Drg No 18-4594, Sheet 10 of 12, Issue F;
- Colour Elevations 3 Drg No 18-4594, Sheet 11 of 12, Issue F;
- 3D Elevated terrain/Section Drg No 18-4594, Sheet 12 of 12, Issue F;
- Landscape Design Intent Plan Drg SD2 Rev C prepared by Ecrú Design Studio and dated 24 June 2019;
- Landscape Design Intent Fencing Plan Drg SD3 Rev C prepared by Ecrú Design Studio and dated 24 June 2019;
- Landscape Design Intent plant schedule Drg SD4 Rev C prepared by Ecrú Design Studio and dated 24 June 2019.
- Preliminary civil works plan prepared by Westera Partners issue A sheet 3 of 7 dated 28 May 2019 (as annotated by Council).

[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. 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]

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

[GEN0360]

9. The importation or exportation of waste (including fill or soil) to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".

[GENNS01]

10. All dwellings shall connect to the existing sewer junction for Lot 1 DP 780214.

11. Vegetation removal shall be limited to that prescribed in Figure 3.1 Tree Survey Plan and associated table of the *Arborist Report - Tree Assessment and Tree Management Plan 5 First Avenue Tweed Heads* prepared by Element Ecology dated December 2018. All other trees identified to retained in the Arborist Report shall be retained and protection during construction and for the life of the development in accordance with the recommendations of the Arborist Report unless otherwise approved by Council's General Manager or their delegate.

[GENNS03]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

12. 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:<br>9.1 Trips @ \$972 per Trips<br>(\$815 base rate + \$157 indexation)<br>CP Plan No. 4<br>Sector1_4 | \$8,845 |
| (b) Open Space (Casual):<br>3 ET @ \$659 per ET<br>(\$502 base rate + \$157 indexation)<br>CP Plan No. 5                               | \$1,977 |
| (c) Open Space (Structured):<br>3 ET @ \$754 per ET<br>(\$575 base rate + \$179 indexation)<br>CP Plan No. 5                           | \$2,262 |
| (d) Shirewide Library Facilities:<br>3 ET @ \$985 per ET<br>(\$792 base rate + \$193 indexation)<br>CP Plan No. 11                     | \$2,955 |
| (e) Bus Shelters:<br>3 ET @ \$75 per ET<br>(\$60 base rate + \$15 indexation)<br>CP Plan No. 12  | \$225   |

(f) Eviron Cemetery: 3 ET @ \$140 per ET (\$101 base rate + \$39 indexation) CP Plan No. 13	\$420
(g) Community Facilities (Tweed Coast - North) 3 ET @ \$1624 per ET (\$1,305.60 base rate + \$318.40 indexation) CP Plan No. 15	\$4,872
(h) Extensions to Council Administration Offices & Technical Support Facilities 3 ET @ \$2195.88 per ET (\$1,759.90 base rate + \$435.98 indexation) CP Plan No. 18	\$6,587.64
(i) Cycleways: 3 ET @ \$555 per ET (\$447 base rate + \$108 indexation) CP Plan No. 22	\$1,665
(j) Regional Open Space (Casual) 3 ET @ \$1282 per ET (\$1,031 base rate + \$251 indexation) CP Plan No. 26	\$3,846
(k) Regional Open Space (Structured): 3 ET @ \$4500 per ET (\$3,619 base rate + \$881 indexation) CP Plan No. 26	\$13,500

[PCC0215]

13. 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: 1.68 ET @ \$13,926 = \$23,395.70

Sewer: 3.0 ET @ \$6,690 = \$20,070.00



14. 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]

15. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

16. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate for Subdivision Works. Safe public access shall be provided at all times.

[PCC0865]

17. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Construction of driveway access and car parking in the First Avenue road reserve as per engineering plans titled 'preliminary civil works plan' prepared by Westera Partners issue A sheet 3 of 7 dated 28 May 2019 subject to the following modifications set out in parts (b) and (c).
- (b) The vehicular access and car parking area in First Avenue is to be designed to accommodate heavy vehicle loadings such as garbage trucks.
- (c) A 400m high kerb is to be constructed along the eastern boundary of the proposed road upgrade in Council's road reserve for First Avenue. A galvanised steel double rail vehicle barrier is to be installed on top of the kerb. The kerb and barrier construction should include provision for a minimum 1.5m wide pedestrian access to Wharf Street (eastern boundary).

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following:

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works

- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable)

Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 138 of the Roads Act 1993 will then NOT be required.

[PCC0895]

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. Permanent stormwater quality treatment shall be provided in accordance with the following:

(a) The Construction Certificate Application for Building Works shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

(b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.

(c) The stormwater and site works shall incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.

[PCC1105]

20. 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.

b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

21. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
  - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

22. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be no greater than predevelopment rates. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

[PCC1165]

23. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCC1185]

24. 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]

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

[PCC1235]

26. Prior to the issue of a Construction Certificate, plans shall be updated to demonstrate that no trees which grow over one metre in height at maturity shall be located within one metre of the edge of the sewer pipe. [PCCNS01]
27. Prior to the issue of a Construction Certificate amended fencing plans shall be submitted for the written approval of the General Manager or his delegate. The plans shall incorporate the following:
- (a) The boundary fence on Adelaide Street shall be a maximum height of 1.5m with a maximum solid fence height of 600mm. Above the solid wall the fence is to have a minimum openness ratio of 60%.
  - (b) The stone clad wall at the entrance to the site from the First Avenue road reserve shall be no greater than 1m high, with the overall height of the solid wall and open gauge railing no greater than 1.5m high. [PCCNS02]
28. A Dilapidation Report is to be prepared by a practicing structural engineer at the applicant's expense, detailing the structural condition of adjoining properties, including Council's property, and their ability to withstand the proposed excavation and site works associated with the development. This report must include any measures required to be incorporated to ensure that no damage will occur during the course of works. The report is to be submitted to and approved by nominated PCA prior to the issue of a construction certificate. Such works shall take place in accordance with the recommendations of the approved report. [PCCNS03]
29. Prior to the issue of a Construction Certificate, an application is to be submitted to Council's Local Traffic Committee for the proposed parking regulatory signage in First Avenue for the garbage truck turn around area. [PCCNS04]
30. A detailed plan of landscaping prepared in general accordance with the *Landscape Design Concept Plan* prepared by ECRU design Studio dated 18 December 2018 containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species to the Tweed Shire is to be submitted and approved by Council's General Manager or their delegate prior to the issue of a Construction Certificate. [PCCNS05]

## **PRIOR TO COMMENCEMENT OF WORK**

31. 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]
32. 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 application

form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges.

[PCW0045]

33. 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]

34. 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]

35. 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]
36. 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]
37. 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]
38. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material. [PCW0745]
39. 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]

40. 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]

41. 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]

42. Prior to commencement of works on-site, tree protection fencing is to be installed and maintained to protect all retained trees in accordance with the recommendations made in Section 4.2.2 of the *Arborist Report - Tree Assessment and Tree Management Plan 5 First Avenue Tweed Heads* prepared by Element Ecology dated December 2018 to the satisfaction of the nominated project arborist.

[PCWNS01]

## **DURING CONSTRUCTION**

43. 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]

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

[DUR0015]

45. 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 Biodiversity and Conservation

Division of the NSW Department of Planning, Industry and Environment. 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]

46. 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]

47. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

48. 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]

49. The development shall be carried out in accordance with the provisions of the Road Traffic Noise Impact Assessment, CRG Acoustics 19 December 2018 (crgref:18121 report).

[DUR0275]

50. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Road Traffic Noise Impact Assessment, CRG Acoustics 19 December 2018 (crgref:18121 report), then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the dwelling.

[DUR0295]

51. 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]

52. 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]

53. 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]

54. 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]

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

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

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

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

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

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

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

[DUR0435]

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

[DUR0445]

57. 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]

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

[DUR0675]

59. All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

[DUR0795]

60. The use of vibratory compaction equipment (other than hand held devices) within 100m of any existing dwelling house, building or structure is strictly prohibited.

[DUR0815]

61. 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]

62. 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]

63. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his delegate.

[DUR0985]

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

[DUR0995]

65. 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]

66. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.  
[DUR1795]
67. 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]
68. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.  
[DUR1885]
69. Where existing kerb or footpath is to be removed for driveway laybacks, stormwater connections, kerb ramps or any other reason, the kerb or footpath must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.  
[DUR1905]
70. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.  
[DUR1925]
71. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.  
[DUR1945]
72. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate (including interim).  
[DUR1955]
73. 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]
74. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.  
[DUR2425]

75. During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all s68h2 permanent Stormwater Quality Control Devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

76. 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]

77. 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]

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

[DUR2505]

79. 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]

80. 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]

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

[DUR2705]

82. The Applicant shall submit the appropriate 'Application for Water Service Connection' form to Council's Water Unit to facilitate a bulk property service water connection for proposed Lot 1 DP 780214, from the existing water main in Adelaide Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.
- [DUR2800]
83. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2017.
- [DUR2835]
84. 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, asphalt 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) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.
  - c) 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.
  - d) 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]
85. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during any tree removal and/or disturbance to wildlife habitat. 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 (Office of Environment & Heritage). It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions. Noting that two actively used brush turkey mounds are on-site/within the immediate vicinity.
- [DURNS02]

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

86. 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]

87. 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]

88. 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.

[POC0265]

89. 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]

90. 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]

91. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

92. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

93. Upon completion of all works on the site and prior to the issue of an Occupation (including interim) Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the condition including the structural condition of the adjoining buildings/sites, infrastructure and roads. The dilapidation reports shall take into consideration the findings of the original reports and advise if any damages have occurred that could be attributed to the work the subject of this development consent. If damages have occurred the PCA is to be provided with evidence that the damages have been satisfactorily repaired prior to the issue of an Occupation Certificate (including interim).

A copy of the dilapidation report is to be provided to the Principle Certifying Authority.

[POC0825]

94. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates for the road works and stormwater infrastructure in First Avenue) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate.

[POC0865]

95. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices.

[POC0985]

96. 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]

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

[POC1055]

98. Prior to the issue of an Occupation Certificate (including interim) a Geotechnical level 1 certification is to be provided for the earthworks associated with the development and roadworks in First Avenue.

[POCNS01]

99. Prior to the issue of an Occupation Certificate (including interim) the car parking spaces located in First Avenue road reserve are to advise "No parking on garbage collection days".

[POCNS02]

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

- a. Confirmation that all works have been undertaken in general accordance with Australian Standard *AS4970 - 2009 Protection of trees on development sites*,

industry best standards, the approved *Arborist Report - Tree Assessment and Tree Management Plan 5 First Avenue Tweed Heads* prepared by Element Ecology dated December 2018 and details of any remedial actions recommended/undertaken by the Project Arborist to avoid/minimise disturbance of existing vegetation.

- b. Brief assessment of the condition of tree retained, details of any deviations from approved essential tree protection management actions/measures, any on-going management measures for retained trees and if applicable, evaluation of any remedial actions undertaken to mitigate impact on existing vegetation as a result of project works.

101. Prior to issue of occupation certificate landscaping works are to have been completed in accordance with the approved detailed plan of landscaping and an on-site inspection from Council's Project Officer - Biodiversity is to be undertaken to confirm satisfactory completion of approved landscape works.

[POCNS03]

102. Prior to issue of an Occupation Certificate a validation report from a suitably qualified person shall be submitted to the Building Certifier which confirms compliance with Rw ratings and internal noise criteria identified in the *Road Traffic Noise Impact Assessment, CRG Acoustics 19 December 2018 (crgref:18121 report)*.

[POCNS04]

## USE

103. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

104. 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]

105. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

106. The buildings are to be used for single dwelling purposes only.

[USE0505]

107. All wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate.

[USE0875]



**2 [PR-PC] Planning Proposal PP19/0001 for Additional Permitted Uses at Halcyon House - Lot 100 DP 1208306 and Lots 1 and 2 Section 4 DP 29748, Cypress Crescent, Cabarita Beach**

**RECOMMENDED** that the attached Planning Proposal PP19/0001 for additional permitted uses at Halcyon House - Lot 100 DP 1208306 and Lots 1 and 2 Section 4 DP 29748, Cypress Crescent, Cabarita Beach be referred to the Minister for Planning and Environment to be made under Section 3.36 of the *Environmental Planning and Assessment Act 1979* but to remove the reference to function centres.

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

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

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**DISCLOSURE OF INTEREST**

Nil.

**MAYORAL MINUTE**

**a1 LATE [MM-CM] Integrated Social and Affordable Housing - Restarting the Conversation**

**488**

**Cr K Milne**

**RESOLVED** that Council authorises the attendance of Cr Ron Cooper at the "*Integrated social and affordable housing - restarting the conversation*" event on Wednesday 20 November 2019 in Sydney.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

- 2 [GM-CM] Expressions of Interest - North Byron Parklands Regulatory Working Group

### ALTERNATE MOTION

489

Cr C Cherry

Cr K Milne

### RESOLVED that:

1. Council appoints Hamish Brace as the Tweed Shire community representative to the North Byron Parklands Regulatory Working Group.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (e) information that would, if disclosed, prejudice the maintenance of law.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## REPORTS FROM THE DIRECTOR ENGINEERING

- 3 [E-CM] RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising (WAT70)

This item was dealt with at Item 7.

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- 4 [E-CM] Road Closure Application - Bryens Road, Nobbys Creek

490

Cr P Allsop

Cr W Polglase

### PROPOSED that:

1. Council approves progressing the public notification of the closure of a section of partly formed road reserve adjacent to Lot 66 DP 755715 at Bryens Road, Nobbys Creek.
-

2. Where objections are received, Council will review and assess the merits of the objection and if satisfied that any objection can be addressed satisfactorily that Council approves the closure of the section of partly formed road reserve adjacent to Lot 66 DP 755715 at Bryens Road, Nobbys Creek and accepts the dedication of an alternative road reserve to maintain the connection of the road reserve to Bryens Road.
3. The creation of a Right of Carriageway benefiting Lot 121 in DP 1111869 over the closed road parcel to ensure that a physical formed access remains pending the formation of the dedicated road.
4. The applicant bears all survey and legal costs arising from this application.
5. Easements be created over public authority reticulation services, if any.
6. All necessary documentation be executed under the Common Seal of Council.
7. Council provides owners consent for a development application, to be lodged by the applicant, for use of the structures within the subject road reserve, pending the closure of the road reserve.

#### **AMENDMENT 1**

**491**

**Cr C Cherry  
Cr R Cooper**

**RESOLVED** that:

1. Council does not approve progressing the public notification of the closure of a section of partly formed road reserve adjacent to Lot 66 DP 755715 at Bryens Road, Nobbys Creek in accordance with the Councils Policy on Unauthorised Private Encroachments on Council public roads as no community benefit is provided as required in the Policy.
2. The owners be required to remove the structures from the road reserve within 90 days.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 491 refers)

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

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**5 [E-CM] 5859 Tweed Valley Way - On Site Sewage Management**

**ALTERNATE MOTION**

**492**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that:

1. This item be deferred for further information from the owners of Lot B DP 419641 in the form of the report they have commissioned.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried**

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

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**6 [E-CM] North Byron Parklands - Request for Water Supply During Falls Festival 30 December 2019 to 2 January 2020**

**493**

**Cr J Owen  
Cr K Milne**

**RESOLVED** that Council not grant an exemption from its policy, Drought Water Restrictions v3.2, to the North Byron Parklands for their Falls Festival from 30 December 2019 to 2 January 2020.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## ADDENDUM ITEMS

### 7 ADDENDUM [E-CM] RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising

494

Cr W Polglase  
Cr J Owen

**RESOLVED** that in respect to Contract RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising:

1. Council awards the Offer to Eco Logical Australia Pty Ltd ABN 87 096 512 088 for the amount of \$ 897,972.73 (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 mid contract and 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 - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr J Owen, Cr W Polglase, Cr P Allsop**  
**AGAINST VOTE - Cr K Milne**

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## LATE ITEMS

### LATE ITEM

495

Cr W Polglase  
Cr C Cherry

**RESOLVED** that Item 8 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**8 LATE [E-CM] RFO2018095 Water Treatment Plant Membrane Replacement Contract - Client Inspection**

**496**

**Cr W Polglase  
Cr C Cherry**

**RESOLVED** that Council endorses Senior Water Treatment Engineer, Marty Hancock to travel to Budapest to perform the Client Inspection of the new membranes under contract RFO2018095 to SUEZ Water Technologies & Solutions Pty Ltd.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

**497**

**Cr P Allsop  
Cr K Milne**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

**REPRESENTATIONS FOR ITEMS CONSIDERED IN COMMITTEE**

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

Nil.

**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:-

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**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE**

**C1 [E-CM] Funding the Voluntary Purchase of 6074 Tweed Valley Way, Burringbar**

**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: -

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

**C 110**

That:

1. Council pursues the Voluntary House Purchase of 6074 Tweed Valley Way, Burringbar with 100% funding from Council.
2. Additional funding of \$240,000 be allocated to the Voluntary House Purchase budget from the Infrastructure Reserve, in the September 2019 Quarterly Budget Review.

The Motion was **Carried**

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

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**498**

**Cr K Milne**  
**Cr P Allsop**

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

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

There being no further business the Meeting terminated at 8.32pm



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

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**Chairman**