



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 4 April 2019

held at

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

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

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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 6.04pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, 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 Community and Natural Resources), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

APOLOGIES

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

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Cr K Milne
Cr P Allsop

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

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

DISCLOSURE OF INTEREST

Nil.

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

Nil.

CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 4 April 2019

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Cr C Cherry
Cr P Allsop

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 4 April 2019 be adopted.

3 [PR-PC] Wardrop Valley Masterplan Review

RECOMMENDED that Council endorse:

1. The concept rezoning scheme as detailed in the *Wardrop Valley Master Plan*, prepared by RPS (January 2019 – Dwg.136593-05C), is supported for the purpose of informing a Planning Proposal to seek a rezoning of the subject lands;
2. The Proponent(s) must agree on a legally enforceable and binding approach, that is workable with the *Environmental Planning and Assessment Act 1979*, to ensure that future individual lots or buildings incorporate sustainable energy systems to provide or substantially supplement their energy demand that is consistent with the recommendations of the Master Planning Proposal, Solar Feasibility report prepared by ECL Power Services dated July 2018; and
3. A planning proposal over Area 6 in alignment with the endorsed master-plan be prepared and submitted for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act, 1979*, describing the strategic intent and justification for the rezoning amendment and detailing the studies to be undertaken prior to any public exhibition of the proposal.

1 [PR-PC] Development Application DA18/0864 for Alterations and Additions to Existing Caravan park at Lot 4 Sec 1 DP 31209; No. 10 Cypress Crescent; Lot 1 Sec 1 DP 29748; Lot 2 Sec 1 DP 29748; Lot 3 Sec 1 DP 29748; No. 2-6 Tweed Coast Road Cabarita Beach

RECOMMENDED that:

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.
- B. Development Application DA18/0864 for alterations and additions to existing caravan park at Lot 4 Sec 1 DP 31209; No. 10 Cypress Crescent; Lot 1 Sec 1 DP 29748; No. 2 Tweed Coast Road; Lot 2 Sec 1 DP 29748; No. 4 Tweed Coast Road; Lot 3 Sec 1 DP 29748; No. 6 Tweed Coast Road Cabarita Beach be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by North Shore No 1 Pty Ltd and dated October 2018 and the following plan prepared by North Shore 1 Pty Ltd, except where varied by the conditions of this consent:

- Site Plan Dwg 001 Rev 3 dated 13 March 2019;
- Site Plan Dwg 001 Rev 3 dated 13 March 2019 - with site designation (as annotated by Council);
- Ablution/reception floor plan Drg CB001 Rev 1 dated 22 February 2019;
- Multi-purpose building / communal kitchen floor plan Drg CB002 Rev 1 dated 22 February 2019;
- Ablution/reception elevations plan Drg CB003 Rev 1 dated 22 February 2019;
- Ablution/reception elevations plan Drg CB004 Rev 1 dated 22 February 2019;
- Multi-purpose building / communal kitchen elevations plan Drg CB005 Rev 1 dated 22 February 2019; and
- Multi-purpose building / communal kitchen elevations plan Drg CB006 Rev 1 dated 22 February 2019.

[GEN0005]

2. All signage proposed to be illuminated is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]

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. The owner is to ensure that the development complies 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. A minimum 3.0 metre easement shall be created over the existing sewer on the lot.

[GENNS01]

7. While the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities, the applicant must have regard to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia.

[GENNS02]

8. An application is to 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 all water, sewerage drainage works inclusive

of such works carried out without Council Approval. This application is to include work as executed drainage plans and certification in respect of AS 3500 by a licenced plumber.

[GENNS03]

9. The caravan park shall be constructed and operated in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
10. The total number of sites shall not exceed 23, comprising of 14 short term sites and 9 camping sites in accordance with Cabarita Beach Caravan Park Site Plan (Dated 13/03/2019, Drawing Number 001, Rev.3).
11. Only tents or campervans may be installed on camp sites.
12. Caravans and tents shall not be placed closer than 2 metres to the boundary of the caravan park.
13. Only a moveable dwelling that is ordinarily used for holiday purposes may be installed on short term sites.
14. The camp kitchen area and multi-purpose building shall not be used for the commercial preparation of food.

[GENNS04]

15. Ten (10) on-site parking spaces are to be provided, generally in accordance with the Site plan Drg 001 Rev 3 dated 13 March 2019, with seven (7) spaces signposted and reserved visitors and three (3) spaces allocated to camp site nos 7, 8 and 9.
16. This consent does not authorise the site perimeter fencing shown on Site Plan Dwg 001 Rev 3 dated 13 March 2019.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

17. 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: NIL

Sewer: NIL

[PCC0265]

18. 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) Widening the vehicular accesses to Cypress Crescent to a minimum of 7m at the site 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).

[PCC0895]

19. 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]

20. 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]

21. Prior to release of the Construction Certificate:

- (a) A Building Information Certificate is to be obtained from Tweed Shire Council in respect of the following:

- Building 1. Ablution Block;
- Building 3. Office/reception; and
- Building 5. Storage building and associated works.

The Building Information Certificate application is to include a contract price in respect of all subject buildings, as built survey report identifying all buildings and setbacks from subject boundaries, a

comprehensive BCA Compliance Report including all relevant certification to demonstrate BCA compliance, and certification in respect of compliance with the General Terms of Approval from the NSW Rural Fire Service dated 5 February 2019.

These reports are to be produced by an appropriately qualified building surveyor, building practitioner or bush fire consultant to the satisfaction of Tweed Shire Council.

Any remedial works will be subject to a construction certificate, and

- (b) A Comprehensive BCA Compliance Report including all relevant certification to demonstrate BCA compliance, and certification in respect of compliance with the General Terms of Approval from the NSW Rural Fire Service dated 5 February 2019 is to be submitted to and approved by the nominated PCA in respect of the remaining works and rectification works on the site including but not limited to the following buildings:
- Building 2. Multi-Purpose Building and associated works; and
 - Building 4. Communal Kitchen Area and associated works.
- All remaining and remedial works are to be identified and BCA compliant designs submitted.

[PCCNS02]

22. Prior to the issue of the Construction Certificate, details of the proposed boundary fencing on the site perimeter and the proposed screening to amenity buildings/site facilities shall be submitted to the satisfaction of the General Manager or his delegate. All fencing and screening shall comply with the requirements of Appendix 5 of 'Planning for Bush Fire Protection 2006' and be constructed of non-combustible materials. The use of colorbond fencing is not permitted on the Tweed Coast Road frontage or Cypress Crescent frontage.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

23. 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]

24. 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 further 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 Council's adopted fees and charges.

[PCW0045]

25. 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.
26. 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. [PCW0215]
- [PCW0225]
27. 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]

28. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

29. 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 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]

DURING CONSTRUCTION

30. 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]

31. 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]

32. 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]

33. 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]

34. 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]

35. 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]

36. 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]

37. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

38. 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]

39. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

40. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

41. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
42. 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. [DUR1725]
43. 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. [DUR1875]
44. 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. [DUR2015]
45. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section 15 - Waste Minimisation and Management. [DUR2185]
46. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction: [DUR2195]
- (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; and
 - (d) completion of work and prior to occupation of the building. [DUR2485]
47. Plumbing [DUR2495]
- (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.

48. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

49. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

50. 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]

51. A noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate.

[POC0125]

52. 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]

53. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

54. 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]

55. The lots are to be consolidated into one lot under one title. The plan of consolidation shall be registered with the Land and Property Information

(LPI) (formerly the Lands Titles Office), prior to issue of an Occupation Certificate.

[POC0855]

56. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[POC0860]

57. 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]

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

[POC1055]

59. Prior to the issue of the Occupation Certificate, an Operational Plan of Management to be submitted to the General Manager or his delegate for approval. This plan shall reflect the approved site layout and traffic management measures and shall address, but not be limited to, the following matters:

- (a) Hours of operation including standard check-in/check-out period, details of access gate closure, etc.
- (b) Staffing and management arrangements.
- (c) Maintenance of a resident and guest register which is to be made available to Council on request.
- (d) Traffic and pedestrian management measures including allocation of car parking spaces on site, details of pedestrian and vehicular access afterhours, etc.
- (e) Noise management measures for the use of communal kitchen, multi-purpose building and ablutions block.
- (f) Establishment of a Complaint Management System for complaints in relation to the operation of the caravan park, which includes details of the following:
- All hours contact details for site manager to be provided to adjacent residents;
 - Process for recording, investigating and reporting on complaints; and

- Maintenance of a complaints register which is to be stored on the site and made available to Council on request.

[POCNS01]

60. The occupation certificate is to be issued concurrently with the Approval to Operate a Caravan Park or Camping Ground under Section 68 of the Local Government Act.

[POCNS04]

61. Prior to the issue of an occupation certificate evidence is to be submitted to Tweed Shire Council demonstrating the signage has been secured appropriately.

[POCNS05]

USE

62. 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]

63. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

64. 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]

65. The use of community amenities (communal kitchen & multipurpose building) is restricted to the hours of 7.00am to 10.00pm on any day.

[USE0185]

66. 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]

67. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to

implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

- [USE0245]
68. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

- [USE0875]
69. The development shall operate in accordance with the Plan of Management approved under this consent.

- [USENS01]
70. The land is not to be used for any commercial purpose other than a caravan park. This exclusion includes the use of the site as a function centre or for the hosting of events.

- [USENS02]
71. The speed limit applicable to an access road:
- (a) must not exceed 15 kilometres per hour, and
 - (b) must be indicated by means of conspicuous signs.

[USENS03]

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

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

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

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

2. Water, electricity (new) and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal access shall comply with the following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006':
 - internal roads are two-wheel drive, allweather roads;
 - traffic management devices are constructed to facilitate access by emergency services vehicles;
 - a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches, is provided;
 - curves have a minimum inner radius of six metres and the minimum distance between inner and outer curves is six metres;
 - crossfall of the pavement is not more than 10 degrees;
 - roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge);
 - roads are clearly signposted and bridges clearly indicate load ratings;
 - the internal road surfaces and bridges have a capacity to carry fully loaded firefighting vehicles (15 tonnes).
4. Any gate / lock system on the Tweed Coast Road access is to be provided in consultation with the local NSW Rural Fire Service.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to commencement of the development. The plan shall include, but is not limited to, the following:
 - short-term sites are not to be occupied on days with an 'extreme' or 'catastrophic' fire danger rating;
 - contact details for the local Rural Fire Service office;
 - procedures for co-ordinated evacuation of the site in consultation with local emergency services.

Design and Construction

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

6. Construction of the amenities, office and storage buildings shall comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. Construction of the camp kitchen and multi-purpose buildings shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

8. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- C. That a Penalty Infringement Notice (\$6,000) be issued to the owners of the site being North Shore No 1 Pty Ltd for undertaking development without consent.

2 [PR-PC] Planning Proposal PP19/0003 a Site-Specific Amendment to Lot 30 DP 820048 No. 751 Eviron Road, Eviron

RECOMMENDED that Council endorse:

1. The preparation of a draft planning proposal seeking an amendment to the Tweed Local Environmental Plan 2014, by way of a new Schedule 1 Additional Permitted Use for the purposes of a Council Pound on Lot 30 DP 820048 No. 751 Eviron Road, Eviron;
2. Once finalised, the draft planning proposal is to be referred to the NSW Department of Planning and Environment for Gateway Determination, in accordance with s3.34 of the Environmental Planning and Assessment Act 1979;
3. On receipt of the Minister's Gateway Determination Notice to continue, any Gateway conditions or other identified study or work is to be duly completed and included within the material for public exhibition;
4. Public exhibition is to occur for a period of not less than 28 days; and
5. Submissions received during public exhibition are to be reported to Council at the earliest time and detailing the issues raised and a recommended planning response.

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

RECOMMENDED that Council notes the March 2019 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

AGAINST VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

2 [CNR-CM] Les Cave Sportsfield Changerooms Building

121

Cr P Allsop
Cr C Cherry

RESOLVED that in respect to Contract RFO2018165 Les Cave Sportsfield Changerooms Building:

1. Council awards a contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$301,555.52 (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:
 - (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 R Byrnes

LATE ITEMS

122

Cr K Milne
Cr C Cherry

RESOLVED that Item 3 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

3 [PCG-CM-LATE] Code of Meeting Practice

SUSPENSION OF STANDING ORDERS

123

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to discuss the proposed amendments in Item 3 of the Agenda.

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

RESUMPTION OF STANDING ORDERS

124

Cr K Milne
Cr P Allsop

RESOLVED that Standing Orders be resumed.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

ALTERNATE MOTION

125

Cr K Milne
Cr C Cherry

PROPOSED that the Code of Meeting Practice be approved with the following changes to the draft Code of Meeting Practice (Attachment 2 to this item):

Clause 3.1:

3.1 Council meetings are held at the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. Council may resolve to hold Council meetings at the Harvard Room at the Tweed Heads Administration Building, Brett Street, Tweed Heads.

These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.

Council will hold a Planning Committee meeting (comprising all seven councillors) followed by a Council Meeting on the first and third Thursday of the month.

In clause 3 – Petitions add the following additional clause:

Council may resolve to accept a petition and outline Council's preferred action or response in relation to the petition, which could include to receive and note, or

request a report or workshop in relation to the petition request and its implications on Council's adopted Integrated Planning Reporting Framework documents.

Delete clause 3.15

Delete clause 3.16

In section 4, add a new clause as follows:

If the public forum is not fully subscribed, and there is time remaining, the Chairperson may permit additional speakers.

Amend clause 4.4 to read as follows:

If a person applies to speak on a matter that is not an item of business on the agenda or applies to speak on more than one item on the agenda of the council meeting, the general manager, may allow that person to speak if timeslots have not been exhausted by those applying to speak on agenda items.

Amend clause 4.7 to read as follows:

4.7 More than one speaker is permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

Delete clause 4.8 and make the existing clause 4.9 a new clause 4.8:

4.8 If more than the one speaker applies to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

In clause 4.10 remove all references to the word 'written'.

Delete clause 4.11 and replace with the following:

The order of speakers at the public forum is the order in which applications are received.

Amend clause 2.14 to read as follows:

Each speaker will be allowed **five** minutes to address the council. An extension of time for up to a further five minutes may be permitted by the Chairperson.

Amend clause 4.14 to read as follows:

A councillor (including the chairperson) may, through the chairperson, ask two questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument. A speaker may ask more than two questions if permitted by the Chairperson.

Amend clause 4.15 to read as follows:

Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker to questions is to be limited to **two** minutes.

Delete clauses 8.6 and 8.7 (Order of Business)

Delete clause 8.12

Delete clause 9.9

Amend clause 9.22 to read as follows:

A councillor must not, without the consent of the Chairperson, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. Where the consent of the Chairperson is given for an extension of time, a councillor may not speak for longer than a further two minutes.

In clause 9.23 delete the reference to "4minutes 30 seconds" and replace with "five minutes".

In clause 16.10 delete the reference to "2pm" to "3pm".

AMENDMENT 1

126

**Cr W Polglase
Cr P Allsop**

RECOMMENDED that this item be deferred for a workshop.

Amendment 1 was **Carried**.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

Amendment 1 on becoming the Motion was **Carried** - (Minute No 126 refers)

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

127

Cr J Owen

Cr C Cherry

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

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

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:-

CONFIDENTIAL ITEMS FOR CONSIDERATION

ORDERS OF THE DAY IN COMMITTEE

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Tree Vandalism Woodfords Road Reserve Creek and Bryens Road Nobbys Creek

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:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 38

That:

1. Council endorses the creation of stag/hollows in the affected trees at No. 78 Woodfords Road, Reserve Creek;
2. Due to the wilful damage of native trees with significant biodiversity value, Penalty infringement notices under the Local Government Act be issued to the alleged offender for the tree limb removal at Woodfords Road;
3. The offender identified in Point 1 be advised in writing that pruning and or removal of trees in the road reserve is not to be undertaken without prior approval from Council; and
4. In relation to Bryens Road a letter be sent to the owner indicating that:
 - the road reserve supports high biodiversity values listed under the Biodiversity Conservation Act;
 - the road reserve is the responsibility of Council to maintain; and
 - residents should refrain from undertaking works within the Council managed road reserve to avoid compliance action under the Local Government Act/Road Act for unauthorised works and/or the Biodiversity Conservation Act where work inadvertently results in damage to endangered ecological communities, threatened species and their habitats or alternatively seek Council's approval to undertake works in the road reserve.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

C2 [PR-CM] Unauthorised Earthworks and Unauthorised Vegetation Clearing at Lot 2 DP 596914 No. 115 Murwillumbah Street, Murwillumbah

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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 39

That Council, in respect of Unauthorised Earthworks and Unauthorised Vegetation Clearing at Lot 2 DP 596914 No; 115 Murwillumbah Street, Murwillumbah, endorse the following:

1. Serve on the Owner with penalty notices for:
 - a. A breach of section 4.2 under The *Environmental Planning and Assessment Act 1979*, in the amount of \$6,000.00; and
 - b. Offence under section 629(2) of the *Local Government Act*, in the amount of \$220.00 per penalty notice for each individual tree removed, and for any rock or soil that has been removed, from Council Land, this will total \$1,980.00 (8 trees and 1 soil and rock).
2. Serve the Owner with three Development Control Orders following the procedure required by the NSW *Environmental Planning and Assessment Act 1979* to formalise all steps related to the unauthorised works in terms that are enforceable in Court should the Owner not comply with Council directions.
 - a. Development Control Order 2 (Stop Work Order) under the *EPA Act*;
 - b. Development Control Order 7 (Public Safety Order) under the *EPA Act*;
 - c. Development Control Order under section 124 of the *LG Act*, Order 7 requiring the Owner to fence off and restrict access to the embankment within the Property and Council Land; and
 - d. Endorse taking the necessary legal action to enforce the requirements of the Orders if the Orders are not complied with.

The Motion was **Carried**

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

C3 [PR-CM] Unauthorised Vegetation Removal at Lot 1 DP 1001025 No. 337 Round Mountain Road, Round Mountain

REASON FOR CONFIDENTIALITY:

This report contains information regarding an on-going legal matter.

Local Government Act

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 40

That Council:

1. cease the investigation into the vegetation removal at Lot 2 DP 1087664, Round Mountain;

2. supports weed management works as required by the General Manager or delegate in the area of Lot 2 DP 1087664 that was subject to vegetation removal; and
3. instructs its solicitors to write to relevant persons issuing a warning regarding unauthorised vegetation removal.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

C4 [PR-CM] Compliance Update DA05/0995 and DA16/0579, Mount Warning Spring Water, 2574 Kyogle Road, Kunghur

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence future proceedings.

Local Government Act

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 41

that Council, in respect of the current compliance investigations into the water extraction activities being carried out on the premises No. 2534 Kyogle Road, Kunghur:

1. Writes a warning letter to the Owners of the site about their ongoing obligations under DA05/0995 & DA16/0579;
2. Issues Penalty Infringement Notices to both owners for historically using large trucks when the consent bound them to small trucks and for exceeding the allocated trip numbers in November 2017 (4 x \$3,000 = \$12,000);
3. Concurrently pursue the Natural Resource Access Regulator (NRAR) for any and all water extraction volume figures from 2005 – 2019 and if breaches are identified then PINs be issued for each year that the volumes were exceeded.

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

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

**C5 [PR-CM] Compliance Update DA06/0603 at Lot 121 DP 1111869 No. 101
Bryens Road, Nobbys Creek**

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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 42

That Council, in respect of the current compliance investigations into the water extraction activities being carried out on the premises No. 101 Bryens Road, Nobbys Creek:

1. Request the applicant to lodge a Development Application and Building Certificate within 90 days (given the Crown Land complications) from the date of notice for all unauthorised structures,
2. Concurrently pursue the Natural Resource Access Regulator (NRAR) for any and all water extraction volume figures from 2006 – 2019 and if breaches are identified then PINs be issued for each year that the volumes were exceeded.

The Motion was **Carried**

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

128

Cr K Milne
Cr C Cherry

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

There being no further business the Meeting terminated at 6.56pm



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

Chairman