



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 July 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 6.39pm.

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 David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Ms Ann Mesic (Minutes Secretary).

APOLOGIES

Attendee **Cr R Byrnes** has informed the General Manager that his absence is caused by being out of the Shire due to work commitments.

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Cr P Allsop
Cr K Milne

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

CONFIRMATION OF PLANNING COMMITTEE MINUTES

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

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Cr R Cooper
Cr K Milne

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

1 [PR-PC] Development Application DA18/0663 for a Mixed Use Including Shop Top Housing Office and Boarding House Development at Lot 4 Section 5 DP 4043 No. 25 Beryl Street, Tweed Heads

RECOMMENDED that:

- A. Development Application DA18/0663 for a mixed use including commercial, office, hotel suites, boarding house and shop top housing at Lot 4 Section 5 DP 4043 No. 25 Beryl Street, Tweed Heads be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the original Statement of Environmental Effects, except where varied by the amended Statement of Environmental Effects of 19 February 2019 except where varied by the amended development received by Council on 3 May 2019 (including a hotel management plan), and the following plans:

Document/Plan Title	Drawn By	Job No	Ref No	Dated
Site Plan	Into Architecture	-	DA02B	03/05/2019
Ground Floor Plan	Into Architecture	-	DA03B	03/05/2019
Level 1 Floor Plan	Into Architecture	-	DA04B	03/05/2019
Level 2 Floor Plan	Into Architecture	-	DA05A	14/01/2019
Level 3 Floor Plan	Into Architecture	-	DA06B	03/05/2019
Level 4 Floor Plan	Into Architecture	-	DA07B	03/05/2019
Roof Plan & Site Plan	Into Architecture	-	DA08A	03/05/2019
Section A	Into Architecture	-	DA09B	03/05/2019
Section B	Into Architecture	-	DA10B	03/05/2019
Elevations North and South	Into Architecture	-	DA11B	03/05/2019
Elevations East and West	Into Architecture	-	DA12B	03/05/2019
Elevations Streetfront	Into Architecture	-	DA13B	03/05/2019
Colours and Materials	Into Architecture	-	DA19A	03/05/2019
Landscape Plan	Into Architecture	-	DA L-01	27/06/2018
Landscape Plan	Into Architecture	-	DA L-02	27/06/2018
Stormwater Notes and Drawing Schedule	Demlakian Engineering	218032	SW00 (P2)	29/06/2018
Stormwater Design	Demlakian Engineering	218032	SW01 (P3)	29/01/2019
Sediment and Erosion control Plan	Demlakian Engineering	218032	SW02 (P3)	29/01/2019
Sediment and Erosion Control Details	Demlakian Engineering	218032	SW03 (P2)	29/06/2018

except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

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 proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]
6. All works shall comply with the Work Health and Safety Regulation 2017.
[GEN0360]
7. Individual boarding rooms are not permitted to be strata subdivided. To this extent 5 boarding rooms (as nominated on the stamped approved plans) are to remain under one (1) management scheme.
[GENNS01]
8. The driveway is to be constructed (subject to submission and approval under s138 Roads Act) to council's requirements and be at least 3.5m wide at the boundary and splay to 6.5m wide at the kerb.
[GENNS02]
9. A vertical speed hump is to be installed and maintained within the driveway on the subject lot within 2m of the nature strip.
[GENNS03]
10. The approved parking is according to the following land use/schedule:
 - 10 parking Spaces allocated to Residential component;
 - Two spaces allocated to Commercial Office and;
 - One space allocated to Boarding House component.[GENNS04]
11. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without prior consent of Tweed Shire Council (as statutorily required).
[GENNS05]

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:

Hotel, Boarding & Apartment Component 45.19 Trips @ \$921 per Trips (\$815 base rate + \$106 indexation)	<u>\$41,619.99</u>
Commercial Component 11.76 trips @ \$921 per Trips \$10830.96 – 40% (\$4332.38) =	<u>\$6,498.576</u>
Total TRCP due:	\$48,118.56

(\$4332.38 has been subtracted from this total as this development is deemed an 'Employment Generating Development')
CP Plan No. 4
Sector1_4

- (b) Open Space (Casual):
8.75 ET @ \$659 per ET \$5,766
(\$502 base rate + \$157 indexation)
CP Plan No. 5
- (c) Open Space (Structured):
6.4584 ET @ \$754 per ET \$4,870
(\$575 base rate + \$179 indexation)
CP Plan No. 5
- (d) Shirewide Library Facilities:
8.75 ET @ \$985 per ET \$8,619
(\$792 base rate + \$193 indexation)
CP Plan No. 11
- (e) Bus Shelters:
8.75 ET @ \$75 per ET \$656
(\$60 base rate + \$15 indexation)
CP Plan No. 12
- (f) Eviron Cemetery:
8.75 ET @ \$140 per ET \$1,225
(\$101 base rate + \$39 indexation)
CP Plan No. 13

(g)	Community Facilities (Tweed Coast - North) 8.75 ET @ \$1624 per ET (\$1,305.60 base rate + \$318.40 indexation) CP Plan No. 15	\$14,210
(h)	Extensions to Council Administration Offices & Technical Support Facilities 8.75 ET @ \$2195.88 per ET (\$1,759.90 base rate + \$435.98 indexation) CP Plan No. 18	\$19,213.95
(i)	Cycleways: 8.75 ET @ \$555 per ET (\$447 base rate + \$108 indexation) CP Plan No. 22	\$4,856
(j)	Regional Open Space (Casual) 8.75 ET @ \$1282 per ET (\$1,031 base rate + \$251 indexation) CP Plan No. 26	\$11,218
(k)	Regional Open Space (Structured): 6.4584 ET @ \$4500 per ET (\$3,619 base rate + \$881 indexation) CP Plan No. 26	\$29,063
(l)	Tweed Heads Master Plan: 13 MDU @ \$1047 per MDU (\$1,047 base rate + \$0 indexation) CP Plan No. 27	\$13,611
(m)	Tweed Heads Unsupplied Car Parking Space: 0.33 of a space @ \$32,979 CP Plan No. 23	\$10,883.07

[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: 5.452 ET ET @ \$13,926 = \$75,924.60

Sewer: 8.688 ET @ \$6,690 = \$58,122.70

[PCC0265]

14. 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]

15. A detailed landscape plan shall be submitted with the Construction Certificate application, the plan is to be generally in accordance with the stamped approved landscape plan however demonstrate that the selected species do not comprise of priority weed species and that a minimum 80% of total plant numbers comprised of local native species to the Tweed Shire. Local native species are to comprise appropriate species selected from the Tweed Shire Native Species Planting Guide available online at: <http://www.tweed.nsw.gov.au/Controls/NativeSpeciesPlanting/Landing.aspx>

[PCC0585]

16. 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) Vehicular access

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]

17. 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]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:
- a) The Construction Certificate Application for Building Works shall include a detailed design plans 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.
 - d) Specific Requirements to be detailed within the Construction Certificate application include:
 - i) Detailed design plans for stormwater management devices;
 - ii) Detailed design plans for earthworks and finished carpark levels;
 - iii) Consider to include inlet baskets on the proposed carpark pits to decrease the sediment load on the proposed infiltration areas.

[PCC1105]

19. Disposal of stormwater by means of infiltration devices must be carried out in accordance with Section D7.09 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

Surcharge overflow from the infiltration area to the street gutter must occur by visible surface flow, not piped.

[PCC1125]

20. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) Disposal of stormwater by means of infiltration devices must be carried out in accordance with Section D7.09 of Tweed Shire Council's Development Design and Construction Specification - Stormwater Quality.
- (c) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.

- (d) The infiltration rate for sizing infiltration devices shall be 3m per day:
- * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (e) Surchage overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (f) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (g) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (h) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (i) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (j) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- (k) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

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

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

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

[PCC1145]

22. 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]

23. 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 equal or less than the pre-development condition flowrates. 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.

All stormwater must initially be directed to the DCP. Details are to be submitted with the Section 68 stormwater application.

[PCC1165]

24. Medium density mixed use developments with a combination of residential and non-residential development will be required to provide two water services at the road frontage; one bulk water meter for the residential component of the development and one meter for the non-residential component of the development. Individual metering beyond this point shall be managed by occupants. Application for the meters shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) 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]

25. 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]

26. 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]

27. Prior to issue of a Construction Certificate, the applicant is required to demonstrate the proposed stormwater pipe provides the minimum vertical clearance to the existing water main in Beryl Street in accordance with WSAA03-2011.3.1. A Construction Certificate shall NOT be issued by a Certifying Authority unless this requirement has been met.

[PCCNS01]

28. Prior to the issue of a construction certificate a detailed contaminated land site investigation prepared by a suitably qualified person in accordance with NEPM Schedule 1, Part 4 Asbestos Materials in Soil, shall be provided to Council to the satisfaction of the General Manager or his delegate. The report shall demonstrate that the site is free of contamination, or provide a remediation action plan for the site detailing those works required to make the site suitable. All works shall comply with the approved plan.

[PCCNS02]

29. A parking and manoeuvrability plan is to be provided to the PCA. The plan shall include detailed line marking and suitably demonstrate the parking space dimensions and vehicle manoeuvrability complies with AS2890.1. To this extent line marking detail shall ensure the following:

- Tandem parking spaces 9 and 11 on the stamped approved plan are to be allocated to either Apt 2, 3 or 4 (one of the 3 bed apartment).
- Tandem parking spaces 10 and 12 on the stamped approved plan are to be allocated to either Apt. 2, 3, 4 (one of the 3 bed apartment).
- Bicycle storage spaces are to be nominated and provide an area to suitably store a minimum of 10 bikes.

[PCCNS03]

30. Prior to issue of a Construction Certificate the applicant is to prepare a revised plan showing:

- a minimum of two boarding rooms capable of being adapted for accessible use; and
- a minimum of two hotel rooms capable of being adapted for accessible use; and

- a minimum of two units capable of being adapted for accessible use.

The plan is to be submitted to Council for approval prior to any Construction Certificate being released.

31. Prior to issue of a Construction Certificate the applicant is to prepare a revised set of elevations depicting additional articulation by way of colours and variety of materials to reduce the dominance of the large blank southern elevation wall and define a more distinctive ground, middle and upper definition of front (street) elevation to reduce the overall mass and bulk. The front elevation may also include landscaping incorporated into the balcony design. The revised elevations are to be submitted to Council for approval prior to any Construction Certificate being released.
32. Prior to issue of a Construction Certificate and as part of the S138 Road Application the applicant is to prepare a streetscape plan which incorporates some landscaping to Beryl Street. This could consider planter boxes and or a reduced awning width to encourage street trees.

PRIOR TO COMMENCEMENT OF WORK

33. 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]
34. 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]

35. 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]

36. 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]

37. 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]

38. 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]

39. 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]

40. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:
- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building / property from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
 - (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

41. A Dilapidation Report detailing the current general condition (including the structural condition) of the adjoining buildings/sites, infrastructure and driveways is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report (supported by recent photos) is to be submitted to and accepted by the Principal Certifying Authority prior to commencement of ANY works on the site.

[PCW0775]

42. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

43. 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]

44. 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]

45. 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]

DURING CONSTRUCTION

46. 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]

47. 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]

48. 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]

49. 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]

50. 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]

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

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

[DUR0385]

53. 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]

54. 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]

55. 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]

56. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

57. 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]

58. To ensure the development is correctly positioned on the site, a report prepared by a registered surveyor is to be submitted to the principal certifying authority at footings/formwork stage and at the completion of the structures indicating the development has been correctly positioned on the site in

accordance with the approved development consent plans/consent conditions and has been located clear of any easements/sewer main.

[DUR0495]

59. 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]

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. 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]

62. 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 an Occupation Certificate.

[DUR0995]

63. 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]

64. 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]

65. 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]

66. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

67. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
[DUR1725]
68. 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]
69. 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]
70. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.
[DUR2015]
71. 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]
72. 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]
73. 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]
74. 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]

75. 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]

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

[DUR2505]

77. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

78. 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]

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. A hose tap shall be provided adjacent to each grease arrester for the purpose of cleaning the arrester. The water supply shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

82. The Applicant shall submit the appropriate 'Application for Water Service Connection' form to Council's Water Unit to facilitate a property service water connection for proposed Lot 4 Sec 5 DP 4043, from the existing water main in Beryl Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

83. All trees that are nominated to be retained (including those on adjoining lands) are to be protected in accordance with the minimum tree protection standards prescribed under AS4970-2009.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

84. 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]

85. 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]

86. 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]

87. 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]

88. 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]

89. 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]

90. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

91. 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]

92. 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/Council.

[POC0825]

93. 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]

94. 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]

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

[POC1055]

96. A total of 13 off-street parking spaces are to be provided, linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act. Of the 12 spaces, 1 parking spaces for persons with disabilities are to be provided in accordance with AS1428.1.

[POCNS01]

97. A Plan of Management must be provided and approved by Tweed Shire Councils General Manager or his delegate. The approved plan of management is to be followed by the boarding house manager(s) and put on display and available at all times to lodgers. The plan is to outline ongoing management that ensures safety and wellbeing of the lodgers, how operations minimise impacts on surrounding neighbours, and complies with the Boarding House Act 2012.

[POCNS01]

98. A Plan of Management must be provided and approved by Tweed Shire Councils General Manager or his delegate. The approved plan of management is to be followed by the hotel manager(s) and put on display and available at all times to hotel patrons. The plan is to outline ongoing management that ensures safety and wellbeing of the patrons, how operations minimise impacts on surrounding neighbours.

[POCNS02]

99. 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]

100. 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]

101. 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]

102. 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]

103. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

104. All commercial / industrial / residential wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate. [USE0875]
105. The boarding house accommodation shall be operated in accordance with the requirements of Local Government Act (General) Regulation 2005, Schedule 2, Boarding Houses Act 2012 and the Boarding Houses Regulation 2013.
106. The boarding house accommodation shall be operated in accordance with the requirements of Public Health Regulation 2012 Clause 45 and 46.
107. Prior to commencement of operation of the boarding house component, an inspection is to be arranged with Council's environmental Health Officer (Boarding Houses Act 2012 Section 16). [USENS01]
108. No backpacker's accommodation, is permitted in any part of the building. [USENS02]
109. No boarding room is to be occupied by more than 2 adult lodgers. [USENS03]
110. The communal living room nominated on the stamped approved plans is not to be used as a boarding room or bedroom. This room is to be available to all boarding house lodgers occupying the building and used for recreation purposes only. [USENS04]
111. The total number of occupants permitted to be occupying all boarding rooms at any one time is limited to 10 persons. [USENS05]

- B. That the applicant and proponents of this development be asked to consider revising the current plans to incorporate a roof top garden and a green wall.

The roof top garden will require a revised roof pitch (flat), and a new roof access point with a roof top garden plan with management plans linked to one or all of the land uses below.

The green wall is to be located on the southern elevation.

2 [PR-PC] Development Application DA18/0485 for Application for a Staged Development Consisting of Three Dwellings over Three Stages (One Dwelling Per Stage) at Lot 3 DP 371134 No. 141 Byangum Road, Murwillumbah

RECOMMENDED that this item be deferred for an on-site meeting with the proponent and the neighbouring residents to negotiate on an outcome that better addresses the concerns of the neighbours.

3 [PR-PC] Development Application DA18/1056 for a Secondary Dwelling over Existing Shed and Carport at Lot 22 Section 8 DP 30043 No. 34 Hastings Road, Bogangar

RECOMMENDED that Development Application DA18/1056 for a secondary dwelling over existing shed and carport at Lot 22 Section 8 DP 30043 No. 34 Hastings Road, Bogangar be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects (undated) and the following plan prepared by Parameter Designs and dated 18 March 2019, except where varied by the conditions of this consent:

Plan No 2224D, Sheet 1 - Site Plan

Plan No 2224D, Sheet 5 - Secondary dwelling & carport floor plans

Plan No 2224D, Sheet 6 - Secondary dwelling & carport elevations

Plan No 2224D, Sheet 7 - Secondary dwelling section

Plan No 2224D, Sheet 8 - Carport section.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. 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]

5. Water and sewerage reticulation for the secondary dwelling shall be connected to the existing internal water and sewerage of the lot, ensuring the lot only has one connection to Council's public water and sewer infrastructure.

[GEN0135]

6. The car port shall remain open on three sides and shall not be enclosed or fitted with a door, gate or enclosing device or any kind.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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]

8. 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]

9. Prior to the issue of a Construction Certificate, amended plans for the secondary dwelling shall be submitted to the Principal Certifying Authority providing for a privacy screen with a minimum height of 2.4m above finished floor level on the front (south-eastern) elevation of the verandah for a distance of 1.5m from the north eastern side elevation as annotated on the stamped plans.
10. Prior to issue of Construction Certificate the applicant is to submit to the Principal Certifying Authority a list of the finished building colours for the secondary dwelling for approval.

Acceptable colours for the weatherboard are white, cream, light sandstone, pastel shades of blue, brown and purple/magenta. The roof of the secondary dwelling and carport shall match that of the existing dwelling.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

11. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
- [PCW0005]
12. The 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]
13. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
14. 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]

15. 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]

DURING CONSTRUCTION

16. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

17. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

18. All 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]

19. 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]

20. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

21. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

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

[DUR0415]

23. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2017.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

24. 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]

25. 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]

26. In the event that excavation on site extends more than 1 metre below the natural ground level, all works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works. [DUR1075]
27. 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]
28. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
29. 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]
30. Air conditioning units 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]
31. Works in the vicinity of public infrastructure must comply with the following requirements;
- a) No portion of any structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure. [DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

32. 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]
33. 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]

34. 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]

35. 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]

36. 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]

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

[POC1055]

USE

38. 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]

39. 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]

40. 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]

41. Upon receipt of a noise complaint related to the use of the secondary dwelling that Council deems to be reasonable, the 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]

42. The shed must not be used for human habitation or occupation, and must only be used in association with the use of the principal dwelling.

[USE0475]

43. Subdivision of the development, including strata subdivision, is not permitted.

[USE1255]

4 [PR-PC] Lot 156 Creek Street Hastings Point - Consideration of Buffers, Potential Subdivision Configuration and Residual Riparian Lands

RECOMMENDED that:

1. The Tweed Shire Council Preferred Site Plan (Figure 2) and Preferred Subdivision Configuration (Figure 3) is supported for the purpose of informing a new land owner initiated development application over Lot 156 DP 628026 for 11 lot Torrens titled allotments (11 residential lots and 1 dedicated residual riparian lot). This includes a relaxation of the 75m environmental buffer line in the south east and south west corners of the developable envelope to 50m;
2. The lodgement of any future development application be preceded by the withdrawal of the existing DA17/0101 and consultation between the land owner proponent and local residents;
3. Any future development application include the dedication of the residual environmentally significant riparian lands (approximately 16.3ha) to Council which along with any agreed rehabilitation and on-going maintenance costs would be facilitated through a planning agreement. In order to provide the rehabilitation and enhancement of degraded habitat, a detailed rehabilitation plan would form part of a future development application involving an establishment period plus 5 years maintenance commitment by the developer;
4. Any future subdivision development application make provision for:
 - (a) The establishment of a drainage reserve adjoining Creek Street (approximately 36m wide) and between the development site and the western most existing allotment along Creek Street (approximately 18m from allotment to edge of road reserve);
 - (b) A minimum 13.0m road reserve to form the interface edge of the development;
 - (c) A maximum yield of 12 allotments including 10 new residential allotments, creation of an allotment relating to the existing dwelling and creation of a singular residual allotment for environmental protection;
 - (d) Restriction of site fill to achieve minimum required design floor level and stormwater fall;
 - (e) Each lot to demonstrate it can supply gravity sewerage to the existing main in the lot or if this is not possible, to install a private pressure sewerage system with an individual pressure sewer pumping station on each residential lot to connect to Councils existing gravity sewerage system; and

(f) Provide water supply services to meet Tweed Shire Council specifications to the lot with the construction of a 100mm water reticulation main from the lot along Creek Street to connect to the existing 250mm trunk water supply main Tweed Coast Road.

5. Whilst Council agrees in principle to the current proposed footprint and numbers of lots, the applicant be requested in the subdivision application process to minimise intrusions into the buffer areas, if possible, through good design of infrastructure such as minimising stormwater detention basins or relocating these basins into the Creek St drainage reserve if appropriate.

6. Any future development application that proposes to increase the number of lots, reduce the size of lots or vary any other developments controls to intensify yield or the development footprint or further impact on the buffer or environmental areas will not be looked on favourably by Council.

5 [PR-PC] Planning Proposal PP19/0003 Amendment to Permit the Staged Development of a New Long-term Tweed Pound and Rehoming Centre

RECOMMENDED that in relation to the Planning Proposal PP19/0003 Amendment to Permit the Staged Development of a New Long-term Tweed Pound and Rehoming Centre:

1. The preparation of a draft planning proposal seeking an amendment to the Tweed Local Environmental Plan 2014, amending the Local Environmental Plan requirements to only require a Part 5 approval relating to a Council pound as the primary use and rehoming centre ancillary to that, is endorsed;

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.

6 [PR-PC] Planning Proposal PP19/0004 and PP19/0005 for Site Specific Amendment to Lot 12 DP 803451 No. 22-38 Florence Street Tweed Heads and Lot 3 SP 74283 and 5 SP 83483 No. 49-61 Bells Boulevard, Kingscliff

RECOMMENDED that:

1. The intent of the amendments to Tweed Local Environmental Plan 2014 and Tweed City Local Environmental Plan 2012 detailed in this report are endorsed;

2. The planning proposals once prepared are to be referred to the NSW Department of Planning & Environment for a Gateway Determination, in accordance with s3.34 of the *Environmental Planning & Assessment Act 1979*;
3. On receipt of the Minister's Gateway Determination Notice to proceed all, if 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 consistent with the Gateway Determination and for a minimum of 28 days.

7 [PR-PC] Short Term Rental Accommodation - Update on Compliance Actions for Alleged Unauthorised Short Term Rental Accommodation

RECOMMENDED that:

1. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (a) personnel matters concerning particular individuals (other than councillors).
2. Due to a major increase in complaints regarding unauthorised short term holiday letting activity, Council's Compliance Unit will continue to investigate and deal with these complaints and prioritise taking action on complaints where it can be demonstrated that such uses are having an unreasonable impact on the amenity of adjoining or surrounding neighbours as determined by Council and that Council sends warning letters for those short term holiday lets where the complaints have not relayed any amenity impacts.

8 [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 June 2019 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

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

DISCLOSURE OF INTEREST

Cr J Owen declared a Pecuniary conflict of interest in Item 13. The nature of this interest is that Cr J Owen's employer is Tweed Seagulls. **Cr J Owen** will vacate the Chambers during discussion and voting.

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

Nil.

MAYORAL MINUTE

2 [MM-CM] Mayoral Minute - Local Government NSW Annual Conference

273

Cr K Milne

RESOLVED that the attendance of the following Councillors at the Local Government NSW Annual Conference to be held at Warwick Farm, NSW on 14-16 October 2019 be authorised:

1. Cr K Milne
2. Cr P Allsop (to be confirmed)

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

ORDERS OF THE DAY

3 [NOR][GM-CM] NSW Ombudsman Review - Tweed Valley Hospital

NOTICE OF RESCISSION:

ALTERNATE MOTION

274

Cr J Owen
Cr P Allsop

RESOLVED that this item be deferred to the Planning Committee meeting of 1 August 2019.

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

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.00pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.54pm

4 [NOM-Cr J Owen] NSW Ombudsman Review - Tweed Valley Hospital

This Motion lapsed due to the loss of the previous Notice of Rescission on this matter. Refer Minute No. 274.

5 [GM-CM] Quarterly Payment - The Tweed Tourism Company

275

**Cr P Allsop
Cr C Cherry**

RESOLVED that Council:

1. Pay The Tweed Tourism Company (DR Tourism Pty Ltd) two months of its third quarter 2019 payment immediately on submission of an appropriate tax invoice, and
2. Considers the second quarterly report for 2019 from the Tweed Tourism Company at the August 2019 Council meeting, at which time the remaining months payment can be considered.

The Motion was **Carried**

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

6 [PR-CM] RFO2019087 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System

276

**Cr W Polglase
Cr J Owen**

RESOLVED that in respect to Contract RFO2019087 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System:

1. Council awards the offer to Reino International Pty Ltd (trading as Duncan Solutions Australia ABN 75 079 147 201) for the amount of \$328,058.53 (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

7 [SCE-CM] Ongoing Operations of the Salvage Centre at the Stotts Creek Resource Recovery Centre

277

Cr K Milne

Cr P Allsop

RESOLVED that Council take over all facets of operations for the salvage and recovery of metals, reusable material and items and to run the tip shop. To revamp the tip shop to improve presentation, customer experience and to maximise community education and awareness of the circular economy.

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen, Cr W Polglase

ABSENT. DID NOT VOTE - Cr R Byrnes

ITEMS BY EXCEPTION

278

Cr K Milne

Cr R Cooper

RESOLVED that Items 8 to 12 be considered in block with the exception of Item 13.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

279

Cr K Milne
Cr P Allsop

RESOLVED that Items 8 to 12 be moved in block with the exception of Item 13.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

5 [GM-CM] Quarterly Payment - The Tweed Tourism Company

This item was dealt with earlier in the meeting (Minute No 275 refers).

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

6 [PR-CM] RFO2019087 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System

This item was dealt with earlier in the meeting (Minute No 276 refers).

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

7 [SCE-CM] Ongoing Operations of the Salvage Centre at the Stotts Creek Resource Recovery Centre

This item was dealt with earlier in the meeting (Minute No 277 refers).

a7 LATE [MM] Mayoral Minute NSW Ombudsman Review - Tweed Valley Hospital

280

Cr K Milne

RESOLVED pursuant to Clause 8.8 of the Code of Meeting Practice, I as Mayor put to the meeting of 4 July 2019 without notice that the following matter which is within the jurisdiction of the Council and of which Council has official knowledge by way of the Business Paper for the 4 July 2019 meeting and of which proper notice has been given in accordance with the Code of Meeting Practice the following matter be dealt with at the 4 July 2019 meeting:

Item 3 [NOR][GM-CM] NSW Ombudsman Review- Tweed Valley Hospital which read as follows:

"RESOLVED that the resolution from the meeting held on Thursday 20 June 2019 at Minute No 239 Item No 12 titled [GM-CM] NSW Ombudsman Review - Tweed Valley Hospital being:

"that Council:

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

be rescinded."

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

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

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

ABSENT. DID NOT VOTE - Cr R Byrnes

281

Cr K Milne

RESOLVED that the resolution from the meeting held on Thursday 20 June 2019 at Minute No 239 Item No 12 titled [GM-CM] NSW Ombudsman Review - Tweed Valley Hospital being:

"that Council:

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

be rescinded.

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

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

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

ABSENT. DID NOT VOTE - Cr R Byrnes

SUSPENSION OF STANDING ORDERS

282

Cr C Cherry
Cr R Cooper

RESOLVED that Standing Orders be suspended to deal with Item 14 of the Agenda.

The Motion was **Carried**

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

14 **[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 May 2019**

283

Cr P Allsop
Cr R Cooper

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 30 May 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

BA1 [LTC] Winders Place, Banora Point

That:

1. *“Yellow no stopping” edge lines be installed on Winders Place at the intersections of Minerva Court and Liberty Place to reinforce the rule regarding no stopping within 10m of an intersection.*
2. *Council writes to the school advising that parking spaces on site should only be reserved for Staff if the minimum provision for customers is exceeded.*
3. *The request for time limited parking is not supported as this is generally used to promote the turnover of vehicles at high demand CBD areas.*
4. The request for a yellow edge line on one side of the cul-de-sacs of Minerva Court and Liberty Place is not supported as officer observations confirm that a 3m gap is maintained and vehicles are able to access the cul-de-sac.

AA1 [LTC] Kyogle Road, Dum Dum

That the overtaking lane on Kyogle Road at Glenock Road be reduced to an approximate length of 250m terminating before the curve heading towards Murwillumbah.

A1 [LTC] Mooball Street and Queensland Road, Murwillumbah

That:

- 1. The existing "Stop" signs on Mooball Street at the intersection of Queensland Road be replaced with "Give Way" sign and the line marking be modified accordingly.*
- 2. "Give Way Ahead" signs be installed on Mooball Street in advance of Queensland Road.*

A2 [LTC] Tweed Valley Way, South Murwillumbah

That "no stopping yellow edge lines" be installed on Tweed Valley Way 6m both sides of the driveways of the IGA/McDonalds Murwillumbah.

A3 [LTC] Splendour in the Grass 17 - 22 July 2019

That the submitted Traffic Control Plans for Splendour in the Grass 17 to 22 July 2019 be supported subject to:

- 1. Additional way finding signage being installed at Gate E to direct motorists to Tweed Valley Way for north bound drivers.*
- 2. The Traffic Control Plans be amended to acknowledge the existing 80km/h speed limit on Wooyung Road and to also review the length of the 40km/h approaches.*
- 3. That the proponents be requested to measure and provide the service level achieved on Tweed Coast Road and Coronation Avenue, Pottsville preceding, during, post the event.*

A4 [LTC] Pottsville Beach Public School - Tweed Coast Road

That:

- 1. The installation of a physical barrier to prevent a right hand turn into the drop off zone from Cudgera Avenue is not supported as this issue should be addressed internally by the school through its newsletter or other media.*
- 2. The 'No Stopping' zone on Cudgera Avenue adjacent to the school's playground be reduced and replaced with 'No Parking' signage from the entrance of the pick-up and drop off zone for approximately 40m and be monitored in relation to potential hazards for vehicles exiting the roundabout onto Cudgera Avenue.*

3. *The bus zone on Tweed Coast Road be reduced in line with the pavement markings and be replaced with 'No Parking - School Zone' signage subject to consultation with the bus companies.*

A5 [LTC] Casuarina Way, Casuarina

That the indented bus bays on Casuarina Way near the intersection of Sterculia Court be signposted as a bus zone during hours of bus usage, as advised by the bus operator.

A6 [LTC] Solander Street and Keith Compton Drive, Tweed Heads

That a continuity line be installed on Keith Compton Drive over the intersection with Solander Street.

A7 [LTC] Cycle for Life Social Cycle Event - 28 July 2019

That the proposed Cycle for Life Social Cycle event to be held on 28 July 2019 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Traffic Management Plan and associated Traffic Control Plans be submitted to Council officers a minimum of 4 weeks prior to the event.*
3. *Conformance with Traffic Management Plan and associated Traffic Control Plans to be implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.*
7. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
8. *Adequate public liability insurance being held by the event organiser.*
9. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
10. *Consultation with emergency services and any identified issues addressed.*
11. *Arrangements made for private property access and egress affected by the event.*
12. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
13. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*

14. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
15. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

A8 [LTC] Tour de Tweed - 8 to 11 August 2019

That the proposed Tour de Tweed to be held on 8 to 11 August 2019 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Cycling Queensland or Bicycle NSW.*
3. *Traffic Management Plan and associated Traffic Control Plans be submitted to Council officers a minimum of 4 weeks prior to the event.*
4. *Conformance with Traffic Management Plan and associated Traffic Control Plans to be implemented and controlled by Roads & Maritime Services accredited persons.*
5. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
6. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
7. *The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.*
8. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
9. *Adequate public liability insurance being held by the event organiser.*
10. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
11. *Consultation with emergency services and any identified issues addressed.*
12. *Arrangements made for private property access and egress affected by the event.*
13. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
14. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
15. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
16. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
17. *The road closures in Tyalgum must be done in consultation with the school bus operator, Singh's Bus and the school.*

18. *The road closures in Murwillumbah on Tumbulgum Road and Wharf Street be reduced in length to allow access to the multi level car park, pool and auditorium.*
19. *Evidence of consultation with affected residents in the Boundary Street area be submitted to Council at least one month prior to the event being held.*

A9 [LTC] Charles Street, Tweed Heads

That a yellow 'No Stopping' edge line be installed on Charles Street, Tweed Heads on the inside of the curve opposite Sellicks Lane.

Cr W Polglase temporarily left the meeting at 08:57 PM.

The Motion was **Carried**

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr W Polglase

Cr W Polglase has returned from temporary absence at 08:58 PM

8 [SCE-CM] Statutory Covenant for Conservation Purposes at the Stotts Creek Resource Recovery Centre

284

Cr K Milne

Cr P Allsop

RESOLVED that Council creates a restrictive statutory covenant for conservation purposes on Lot 1 DP 590220 as required by condition four of Development Consent DA95/0193.02 and authorises the affixing of the Council Seal.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

9 [SCE-CM] RFO2019078 Upgrade Works to the Tweed Heads Civic Centre - Cultural Plaza, Social Enterprise Cafe and Library Reading Room

285

**Cr K Milne
Cr P Allsop**

RESOLVED that in respect to Contract RFO2019078 Upgrade Works to the Tweed Heads Civic Centre- Cultural Plaza, Social Enterprise Cafe and Library Reading Room:

1. Council awards the Contract (RFO2019078) to Greg Clark Building Pty Ltd ABN 92 003 846 026, ACN 003 846 026 for the amount of \$967,118.18 (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, Cr C Cherry**

10 [SCE-CM] Funding Variation for the Continuity of Support (CoS) Program

286

**Cr K Milne
Cr P Allsop**

RESOLVED that Council:

1. Accepts the funding variation extension of \$30,061.54 (GST exclusive) under the Continuity of Support (CoS) Program.
2. Includes the funding in its Budget to reflect the acceptance of the grant and associated expenditure.
3. Gives authority to the General Manager to accept and include and execute any variations in the budget any further extensions to the Continuity of Support Program.

4. ATTACHMENTS 1-3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993 because it contains:
- (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

11 [SCE-CM] Deed of Variation Offer to an Existing Agreement for Commonwealth Home Support Program (CHSP)

287

Cr K Milne

Cr P Allsop

RESOLVED that:

1. Council accepts the variation to funding Commonwealth Home Support Program (CHSP)
2. Council amends its Budget and Long Term Financial Plan to reflect the acceptance of the grant variation and associated expenditure of \$53,628.98.
3. Council executes the document under the Common Seal of Council.
4. Council gives authority to the General Manager to accept and include and execute any variations in the budget any further extensions to the Commonwealth Home Support Program.
5. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

12 [FRIT-CM] Making the Rate 2019/2020

288

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. Council makes the 2019/2020 rates and charges in accordance with the provisions of sections 493, 494, 495, 495A, 496, 498, 501, 502, 506, 508A, 541, 548 and 553 of the Local Government Act 1993:

(a) Ordinary Rates (section 494, 498, 508A)

(i) Residential Rate

A Residential Rate of .49190 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of one thousand and seventy four dollars and seventy cents (\$1,074.70) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .34600 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of one thousand and seventy four dollars and seventy cents (\$1,074.70) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .51540 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of one thousand and one hundred and eighty one dollars and forty cents (\$1,181.40) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 495A, 496, 501, 502 and 553)

(i) Sewerage Access Charge (Section 501)

A sewerage access charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an access charge of eight hundred and fifty four dollars and thirty five cents (\$854.35) in respect of any separate parcel of rateable land.

Non-Residential and Non-Strata Multi-Residential Assessments - The minimum non-residential sewerage access charge will be \$854.35

The minimum non-residential sewerage access charge shall be equivalent to the residential sewerage access charge.

The non-residential sewerage access charge (SAC) for properties with a larger than 20mm water service shall be calculated in the same way as the water access charge:

$$\text{Non-residential SAC (\$)} = \text{Residential SAC (\$)} \times R \times CF \times SDF$$

Where:

R = Meter Ratio being the ratio of the water meter cross sectional area to that of a 20mm water meter's cross sectional area (See Table 1).

CF = Consumption Factor for the previous 12 months as displayed in Table 1 (The Consumption Factor has been introduced to acknowledge that the size of the water meter does not always reflect the volume of water used).

SDF = Sewer Discharge Factor: Percentage of the metered water consumption that is deemed to be discharged to the sewerage system.

Table 1. Consumption Factors

Meter size (mm)	20	25	32	40	50	80	100	150	200	250	300
Meter Ratio (R)	1	1.56	2.56	4.0	6.25	16.0	25.0	56.25	100	156.25	225
Consumption Range (kL)	Consumption Factor (CF)										
0 - 290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291 - 454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455 - 743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744 - 1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161 - 1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815 - 4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641 - 7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251 - 16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315 - 29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001 - 45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

Vacant assessments rated to sewerage – an access charge of \$854.35

(ii) Water Access Charge (Section 501)

Residential assessments – an access charge of \$176.55

Non-Residential and Non-Strata Multi-Residential Assessments - The minimum non-residential water access charge will be \$176.55

The non-residential water access charge (WAC) for properties with a larger than 20mm water service shall be calculated as shown below:

$$\text{Non-residential WAC (\$)} = \text{Residential WAC (\$)} \times R \times CF$$

Where:

R = Meter Ratio being the ratio of the water meter cross sectional area to that of a 20mm water meter's cross sectional area (see Table 2).

CF = Consumption Factor for the previous 12 months as displayed in Table 2 (The Consumption Factor has been introduced to acknowledge that the size of the water meter does not always reflect the volume of water used).

Table 2. Consumption Factors

Meter size (mm)	20	25	32	40	50	80	100	150	200	250	300
Meter Ratio (R)	1	1.56	2.56	4.0	6.25	16.0	25.0	56.25	100	156.25	225
Consumption Range (kL)	Consumption Factor (CF)										
0 - 290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291 - 454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455 - 743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744 - 1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161 - 1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815 - 4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641 - 7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251 - 16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315 - 29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001 - 45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

A volumetric charge of \$3.02 per kilolitre will apply for all consumption up to .8219kl per day based on the daily average over the billing period.

A high consumption volumetric charge of \$4.53 per kilolitre will apply for all consumption above .8219kl per day based on the daily average over the billing period.

Vacant assessments rated to water – an access charge of \$176.55

Properties will be levied the water access charge in accordance with the Local Government Act including the description of what land may be subject to the water access charge.

(iii) Koala Beach Special Rate (Section 495)

A Koala Beach Special Rate of .06960 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

Lot 1 DP 86409	Lot 62 DP 864094	Lot 216 DP 1033384	Lot 202 DP 1033384
Lot 2 DP 864093	Lot 63 DP 864094	Lot 217 DP 1033384	Lot 203 DP 1033384
Lot 3 DP 864093	Lot 64 DP 864094	Lot 218 DP 1033384	Lot 204 DP 1033384
Lot 4 DP 864093	Lot 65 DP 864094	Lot 219 DP 1033384	Lot 205 DP 1033384
Lot 5 DP 864093	Lot 66 DP 864094	Lot 220 DP 1033384	Lot 206 DP 1033384
Lot 6 DP 864093	Lot 67 DP 864094	Lot 221 DP 1033384	Lot 207 DP 1033384
Lot 7 DP 864093	Lot 68 DP 864094	Lot 222 DP 1033384	Lot 208 DP 1033384
Lot 8 DP 864093	Lot 69 DP 864094	Lot 223 DP 1033384	Lot 209 DP 1033384
Lot 9 DP 864093	Lot 70 DP 864094	Lot 224 DP 1033384	Lot 210 DP 1033384
Lot 10 DP 864093	Lot 71 DP 864094	Lot 225 DP 1033384	Lot 211 DP 1033384
Lot 11 DP 864093	Lot 72 DP 864094	Lot 226 DP 1033384	Lot 451 DP 1040725

Lot 12 DP 864093	Lot 73 DP 864094	Lot 227 DP 1033384	Lot 452 DP 1040725
Lot 13 DP 864093	Lot 74 DP 864094	Lot 228 DP 1033384	Lot 453 DP 1040725
Lot 16 DP 864093	Lot 75 DP 864094	Lot 229 DP 1033384	Lot 454 DP 1040725
Lot 17 DP 864093	Lot 76 DP 864094	Lot 230 DP 1033384	Lot 455 DP 1040725
Lot 18 DP 864093	Lot 77 DP 864094	Lot 231 DP 1033384	Lot 456 DP 1040725
Lot 19 DP 864093	Lot 78 DP 864094	Lot 232 DP 1033384	Lot 457 DP 1040725
Lot 20 DP 864093	Lot 79 DP 864094	Lot 233 DP 1033384	Lot 458 DP 1040725
Lot 21 DP 864093	Lot 80 DP 864094	Lot 234 DP 1033384	Lot 459 DP 1040725
Lot 30 DP 864094	Lot 81 DP 864094	Lot 235 DP 1033384	Lot 460 DP 1040725
Lot 31 DP 864094	Lot 82 DP 864094	Lot 236 DP 1033384	Lot 461 DP 1040725
Lot 32 DP 864094	Lot 83 DP 864094	Lot 237 DP 1033384	Lot 301 DP 1049060
Lot 33 DP 864094	Lot 84 DP 864094	Lot 238 DP 1033384	Lot 302 DP 1049060
Lot 34 DP 864094	Lot 85 DP 864094	Lot 239 DP 1033384	Lot 303 DP 1049060
Lot 35 DP 864094	Lot 86 DP 864094	Lot 240 DP 1033384	Lot 304 DP 1049060
Lot 36 DP 864094	Lot 87 DP 864094	Lot 241 DP 1033384	Lot 305 DP 1049060
Lot 37 DP 864094	Lot 88 DP 864094	Lot 242 DP 1033384	Lot 306 DP 1049060
Lot 38 DP 864094	Lot 91 DP 864094	Lot 243 DP 1033384	Lot 307 DP 1049060
Lot 39 DP 864094	Lot 92 DP 864095	Lot 244 DP 1033384	Lot 308 DP 1049060
Lot 40 DP 864094	Lot 93 DP 864095	Lot 245 DP 1033384	Lot 309 DP 1049060
Lot 41 DP 864094	Lot 94 DP 864095	Lot 246 DP 1033384	Lot 310 DP 1049060
Lot 42 DP 864094	Lot 95 DP 864095	Lot 247 DP 1033384	Lot 311 DP 1049060
Lot 43 DP 864094	Lot 96 DP 864095	Lot 248 DP 1033384	Lot 312 DP 1049060
Lot 44 DP 864094	Lot 97 DP 864095	Lot 249 DP 1033384	Lot 313 DP 1049060
Lot 45 DP 864094	Lot 98 DP 864095	Lot 250 DP 1033384	Lot 314 DP 1049060
Lot 46 DP 864094	Lot 99 DP 864095	Lot 251 DP 1033384	Lot 315 DP 1049060
Lot 47 DP 864094	Lot 100 DP 864095	Lot 252 DP 1033384	Lot 316 DP 1049060
Lot 48 DP 864094	Lot 101 DP 864095	Lot 253 DP 1033384	Lot 317 DP 1049060
Lot 49 DP 864094	Lot 14 DP 870694	Lot 254 DP 1033384	Lot 318 DP 1049060
Lot 50 DP 864094	Lot 15 DP 870694	Lot 255 DP 1033384	Lot 319 DP 1049060
Lot 51 DP 864094	Lot 22 DP 870695	Lot 256 DP 1033384	Lot 320 DP 1049060
Lot 52 DP 864094	Lot 23 DP 870695	Lot 257 DP 1033384	Lot 321 DP 1049060
Lot 53 DP 864094	Lot 24 DP 870695	Lot 258 DP 1033384	Lot 322 DP 1049060
Lot 54 DP 864094	Lot 25 DP 870695	Lot 259 DP 1033384	Lot 323 DP 1049060
Lot 55 DP 864094	Lot 26 DP 870695	Lot 260 DP 1033384	Lot 324 DP 1049060
Lot 56 DP 864094	Lot 27 DP 870695	Lot 261 DP 1033384	Lot 325 DP 1049060
Lot 57 DP 864094	Lot 28 DP 870695	Lot 262 DP 1033384	Lot 326 DP 1049060
Lot 58 DP 864094	Lot 29 DP 870695	Lot 263 DP 1033384	Lot 327 DP 1049060
Lot 59 DP 864094	Lot 213 DP 1033384	Lot 264 DP 1033384	Lot 328 DP 1049060
Lot 60 DP 864094	Lot 214 DP 1033384	Lot 265 DP 1033384	Lot 329 DP 1049060
Lot 61 DP 864094	Lot 215 DP 1033384	Lot 201 DP 1033384	Lot 330 DP 1049060
Lot 331 DP 1049060	LOT 396 DP 1052083	Lot 516 DP 1068516	Lot 569 DP 1076975
Lot 332 DP 1049060	Lot 397 DP 1052083	Lot 519 DP 1076975	Lot 570 DP 1076975
Lot 333 DP 1049060	Lot 398 DP 1052083	Lot 520 DP 1076975	Lot 571 DP 1076975
Lot 334 DP 1049060	Lot 399 DP 1052083	Lot 521 DP 1076975	Lot 572 DP 1076975

Lot 335 DP 1049060	Lot 400 DP 1052083	Lot 522 DP 1076975	Lot 573 DP 1076975
Lot 336 DP 1049060	Lot 401 DP 1052083	Lot 523 DP 1076975	Lot 574 DP 1076975
Lot 338 DP 1049060	Lot 402 DP 1052083	Lot 524 DP 1076975	Lot 575 DP 1076975
Lot 340 DP 1049061	Lot 403 DP 1052083	Lot 525 DP 1076975	Lot 576 DP 1076975
Lot 342 DP 1049061	Lot 404 DP 1052083	Lot 526 DP 1076975	Lot 577 DP 1076975
Lot 343 DP 1049061	Lot 405 DP 1052083	Lot 527 DP 1076975	Lot 578 DP 1076975
Lot 344 DP 1049061	Lot 406 DP 1052083	Lot 528 DP 1076975	Lot 579 DP 1076975
Lot 346 DP 1049061	Lot 407 DP 1052083	Lot 529 DP 1076975	Lot 580 DP 1076975
Lot 347 DP 1049061	Lot 408 DP 1052083	Lot 530 DP 1076975	Lot 581 DP 1076975
Lot 348 DP 1049061	Lot 409 DP 1052083	Lot 531 DP 1076975	Lot 582 DP 1076975
Lot 349 DP 1049061	Lot 410 DP 1052083	Lot 532 DP 1076975	Lot 583 DP 1076975
Lot 350 DP 1049061	Lot 411 DP 1052083	Lot 534 DP 1076975	Lot 584 DP 1076975
Lot 351 DP 1049061	Lot 412 DP 1052083	Lot 535 DP 1076975	Lot 585 DP 1076975
Lot 352 DP 1049061	Lot 413 DP 1052083	Lot 536 DP 1076975	Lot 586 DP 1076975
Lot 353 DP 1049061	Lot 414 DP 1052083	Lot 537 DP 1076975	Lot 587 DP 1076975
Lot 354 DP 1049061	Lot 415 DP 1052083	Lot 538 DP 1076975	Lot 588 DP 1076975
Lot 355 DP 1049061	Lot 416 DP 1052083	Lot 539 DP 1076975	Lot 589 DP 1076975
Lot 356 DP 1049061	Lot 417 DP 1052083	Lot 540 DP 1076975	Lot 590 DP 1076975
Lot 357 DP 1049061	Lot 418 DP 1052083	Lot 541 DP 1076975	Lot 591 DP 1076975
Lot 339 DP 1052080	LOT 419 DP 1052083	Lot 542 DP 1076975	Lot 592 DP 1076975
Lot 370 DP 1052082	LOT 420 DP 1052083	Lot 543 DP 1076975	Lot 593 DP 1076975
Lot 371 DP 1052082	Lot 421 DP 1052083	Lot 544 DP 1076975	Lot 594 DP 1076975
Lot 372 DP 1052082	Lot 422 DP 1052083	Lot 545 DP 1076975	Lot 595 DP 1076975
Lot 373 DP 1052082	Lot 423 DP 1052083	Lot 546 DP 1076975	Lot 596 DP 1076975
Lot 374 DP 1052082	Lot 424 DP 1052083	Lot 547 DP 1076975	Lot 597 DP 1076975
Lot 375 DP 1052082	Lot 425 DP 1052083	Lot 548 DP 1076975	Lot 598 DP 1076975
Lot 376 DP 1052082	Lot 426 DP 1052083	Lot 549 DP 1076975	Lot 599 DP 1076975
Lot 377 DP 1052082	Lot 90 DP 864094	Lot 550 DP 1076975	Lot 600 DP 1076975
Lot 378 DP 1052082	Lot 89 DP 864094	Lot 551 DP 1076975	Lot 601 DP 1076975
Lot 379 DP 1052082	Lot 212 DP 1033384	Lot 552 DP 1076975	Lot 602 DP 1076975
Lot 380 DP 1052082	Lot 200 DP 1033384	Lot 553 DP 1076975	Lot 603 DP 1076975
Lot 381 DP 1052082	Lot 501 DP 1068516	Lot 554 DP 1076975	Lot 604 DP 1076975
Lot 382 DP 1052082	Lot 502 DP 1068516	Lot 555 DP 1076975	Lot 605 DP 1076975
Lot 383 DP 1052082	Lot 503 DP 1068516	Lot 556 DP 1076975	Lot 606 DP 1076975
Lot 384 DP 1052082	Lot 504 DP 1068516	Lot 557 DP 1076975	Lot 607 DP 1076975
Lot 385 DP 1052082	Lot 505 DP 1068516	Lot 558 DP 1076975	Lot 608 DP 1076975
Lot 386 DP 1052082	Lot 506 DP 1068516	Lot 559 DP 1076975	Lot 739 DP 1076973
Lot 387 DP 1052082	Lot 507 DP 1068516	Lot 560 DP 1076975	Lot 919 DP 1077493
Lot 388 DP 1052082	Lot 508 DP 1068516	Lot 561 DP 1076975	Lot 610 DP 1077500
Lot 389 DP 1052082	Lot 509 DP 1068516	Lot 562 DP 1076975	Lot 611 DP 1077500
Lot 390 DP 1052082	Lot 510 DP 1068516	Lot 563 DP 1076975	Lot 612 DP 1077500
Lot 391 DP 1052082	Lot 511 DP 1068516	Lot 564 DP 1076975	Lot 613 DP 1077500
Lot 392 DP 1052082	Lot 512 DP 1068516	Lot 565 DP 1076975	Lot 614 DP 1077500
Lot 393 DP 1052083	Lot 513 DP 1068516	Lot 566 DP 1076975	Lot 615 DP 1077500

Lot 394 DP 1052083	Lot 514 DP 1068516	Lot 567 DP 1076975	Lot 616 DP 1077500
Lot 395 DP 1052083	Lot 515 DP 1068516	Lot 568 DP 1076975	Lot 617 DP 1077500

(iv) Cobaki Environmental Special Rate (Section 495)

A Cobaki Environmental Special Rate of 1.0740 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

Lot 54 DP 755740
Lot 55 DP 755740
Lot 1 DP 570076
Lot 46 DP 755740
Lot 200 DP 755740
Lot 201 DP 755740
Lot 202 DP 755740
Lot 205 DP 755740
Lot 206 DP 755740
Lot 209 DP 755740
Part Lot 199 DP 755740
Lot 228 DP 755740
Lot 2 DP 566529
Part Lot 199 DP 755740
Lot 1 DP 562222
Lot 1 DP 570077
Lot 305 DP 755740
Lot 1 DP 823679
Lot 1 DP 1169394

(v) Domestic Waste Management Annual Charge (Section 496)

A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty nine dollars and eighty cents (\$69.80) in respect of any applicable land within the declared domestic waste scavenging area.

(vi) Domestic Waste Service Annual Charge (Section 496)

In 2019/2020 the Domestic Waste Management Service Charge for the standard 140L garbage bin weekly collection will be two hundred and sixty eight dollars and eighty cents (\$268.80) per annum per service. As part of the new bin system, the 140L garbage bin fortnightly collection will be the predominant service for residential rated properties within the urban footprint at a cost of one hundred and ninety two dollars and ninety cents (\$192.90) per annum per service. Residents may choose to have either a larger or smaller bin with the charge for each listed in the table below in respect of any applicable serviced land within the declared domestic waste scavenging area.

Service Type	Charge
--------------	--------

80 litre fortnightly waste service	\$161.40
140 litre fortnightly waste service	\$192.90
240 litre fortnightly waste service	\$241.60
80 litre weekly service	\$205.90
140 litre weekly service	\$268.80
240 litre weekly service	\$318.50

- (vii) Landfill Management Charge (Section 501)
A Landfill Management Annual Charge for all rateable land within the boundary of the Tweed Shire. An annual charge of fifty four dollars (\$54.00) in respect of all rateable land within the boundary of the Tweed Shire.
- (viii) Domestic Waste Service Organic Collection Charge (Section 496)
In 2019/20 Council will be providing a weekly collection service for household organics including food waste. This service will be part of the compulsory suite of services provided to residential properties within the urban footprint. The service will not however be compulsory to Multi Unit development where there are more than two titles on the site. The charge in 2019/20 related to the collection of the organics bin and the processing of this waste to produce a value added compost material is ninety two dollars (\$92.00) per bin for a 240 litre weekly service. Additional organics waste collection service will be available to domestic multi-unit properties at a charge of ninety two dollars (\$92.00) per annum for a weekly service.
- (ix) Waste Minimisation and Recycling Annual Charge (Section 496)
A Waste Minimisation and Recycling Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of eighty two dollars (\$82.00) in respect of any applicable land within the declared domestic waste scavenging area.

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 7.5% pa.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

RESUMPTION OF STANDING ORDERS

289

Cr K Milne
Cr P Allsop

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

13 [FRIT-CM] Loan to Tweed Heads Seagulls RLFC

DECLARATION OF INTEREST

Cr J Owen declared a Pecuniary conflict of interest in this item. The nature of this interest is that Cr J Owen's employer is Tweed Seagulls. **Cr J Owen** will vacate the Chambers during discussion and voting.

Cr J Owen temporarily left the meeting at 09:03 PM.

290

Cr P Allsop
Cr W Polglase

RESOLVED that Council approves:

1. Entering into a Deed with Tweed Heads Seagulls RLFC for an interest free loan up to a maximum of \$200,000 with a repayment term of ten years; and
2. The execution of all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry, Cr J Owen

Cr J Owen has returned from temporary absence at 09:04 PM

Cr R Cooper temporarily left the meeting at 09:04 PM.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

14 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 May 2019

This item was dealt with earlier in the meeting (Minute No 283 refers).

Cr C Cherry left the meeting at 08:59 PM.

ADDENDUM ITEMS

Nil.

Cr J Owen temporarily left the meeting at 09:04 PM.

Cr R Cooper has returned from temporary absence at 09:05 PM

Cr J Owen has returned from temporary absence at 09:06 PM

LATE ITEMS

291

Cr K Milne
Cr R Cooper

RESOLVED that Item 15 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
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

15 LATE [GM-CM] Applications for 2019/2020 Events Sponsorship Funding

LATE ITEM

292

Cr K Milne
Cr R Cooper

RESOLVED that Item 15 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**ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry****293****Cr K Milne****Cr W Polglase****RESOLVED** that:

1. Council allocates the following support under the 2019/2020 Events Sponsorship Policy funding round:

Applicant	Cash	Resource (formerly in-kind)
Aria Events and Marketing for Taste Tweed Northern Rivers Inc. <i>(Taste Tweed Festival)</i>	\$3,500	Nil
Caldera Environment Centre <i>(World Environment Day)</i>	\$5,000	\$1,000
Island Style Promotions Pty Ltd <i>(Australian Longboard Surfing Open)</i>	\$5,000	Nil
Murwillumbah Rowing Club Inc. <i>(Head of the Tweed 2020)</i>	\$1,500	Nil
Northern Rivers Food Inc. <i>(2020 Northern Rivers Food Harvest Festival)</i>	\$5,000	Nil
Tweed District Orchid Society Inc. <i>(25th Annual Tweed Orchid Fair & Show)</i>	\$2,500	Nil
Tyalgum Village Market Inc. <i>(O'Heart Festival)</i>	\$5,000	Nil
TOTAL	\$27,500	\$1,000

2. Any funding or Council resource support provided to the above applicants is conditional upon the terms detailed in the funding agreement between Council and the successful applicants.
3. Council agrees to establish a three-year financial arrangement, on a sliding financial scale, with the following applicants under the Events Sponsorship Policy and any requests for resource support will be charged to the applicant as per the adopted Fees and Charges, and in keeping with the Tweed Shire Events Strategy 2016-2020:

Applicant	2019/2020	2020/2021	2021/2022
Murwillumbah Festival of Performing Arts Society Inc. <i>(Murwillumbah Festival of Performing Arts)</i>	Cash: \$7,500 Resource: Nil	Cash: \$7,500 Resource: Nil	Cash: \$7,500 Resource: Nil
NX Sports Community Foundation Ltd <i>(Kingscliff Triathlon)</i>	Cash: \$5,800 Resource: Nil	Cash: \$5,800 Resource: Nil	Cash: \$5,800 Resource: Nil

NX Sports Community Foundation Ltd (<i>Tweed Coast Enduro</i>)	Cash: \$2,900 Resource: Nil	Cash: \$2,900 Resource: Nil	Cash: \$2,900 Resource: Nil
NX Sports Community Foundation Ltd (<i>Tour de Tweed</i>)	Cash: \$2,900 Resource: Nil	Cash: \$2,900 Resource: Nil	Cash: \$2,900 Resource: Nil
Tweed River Agricultural Society Ltd (<i>Murwillumbah Show</i>)	Cash: \$7,500 Resource: Nil	Cash: \$7,500 Resource: Nil	Cash: \$7,500 Resource: Nil
TOTAL	\$26,600	\$26,600	\$26,600

4. Council authorises the General Manager to sign funding agreements between Council and the successful applicants and approve any variations to the recipient's Event Sponsorship Agreement.
5. Council carries over the remaining funds from the 2018/2019 Events Sponsorship budget to the 2019/2020 Events Sponsorship budget.
6. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

294

Cr K Milne

Cr W Polglase

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, Cr C Cherry

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:-

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE IN COMMITTEE

C1 [PCG-CM] Crown Lands Management Act - Delegations and Authorised Persons

REASON FOR CONFIDENTIALITY:

This report relates to matters concerning staff.

Local Government Act

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

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

C 71

That Council:

1. With respect to the *Crown Land Management Act 2016*, delegates to the General Manager authority:
 - a. to exercise and/or perform on behalf of Council the Council's delegable functions under this Act and the Regulations in force and as amended from time to time (*Crown Land Management Act 2016* and *Crown Land Management Regulation 2018*);
 - b. to carry out all the functions of the Council acting as a Crown Land Manager of specified dedicated or reserved Crown Land, which includes the functions of the Council under the *Local Government Act 1993* in respect of public land, being either operational or community land, including to prepare a draft Plan of

Management, to grant an approval and to grant leases and licences (s2.21(4), Divisions 3.3 and 3.4, 3.6 (s3.33(2)) and 3.7);

- c. on behalf of Council as a Crown Land Manager to cause a notice to be displayed that prohibits persons from carrying out an activity on Crown land, in accordance with s9.5(2) of the CLM Act (s9.5(2));
 - d. on behalf of Council as a Crown Land Manager to give reasonable directions to persons concerning the entry, use and parking or storage of vehicles on Crown land for the purpose of preventing danger or harm to persons, animals, structures or property, in accordance with 9.6 of the CLM Act (s9.6(4));
 - e. on behalf of Council as a Crown Land Manager to authorise an employee of the Council (an “authorised employee”) to exercise functions under s9.12 of the CLM Act (s9.12(1)(b));
 - f. continue to carry out functions associated with Council acting as a reserve trust manager for the continuation period in accordance with clause 10A of Schedule 7 (clause 10A of Schedule 7);
 - g. to carry out the functions of the Council as the responsible manager (the Crown Land Manager) of dedicated or reserved Crown Land. The functions of a responsible manager include to set aside any part of the land (including any building or enclosure in or on the land) for any purpose for which the land may be used (clause 6), to determine conditions of entry and designate entrance and exit points (clause 8) and give a direction or written consent to do things (clause 10) (Part 2, Division 1 of the Crown Land Management Regulation 2018).
2. Authorises Ministerial appointment be sought for the Team Leader – Rangers, all of Council’s Rangers, including the Coastal Ranger and all Compliance officers as “persons of a specified class of qualified persons” to be authorised officers under section 10.6 of the CLM Act.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

LATE ITEMS IN COMMITTEE

LATE ITEM

C 72

That Items C2 and C3 being Late items be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

C2 LATE [SCE-CM] Council Update on Contract Negotiation with Solo Resource Recovery RFO2016040 - Collection and Processing of Recyclables

LATE ITEM

C 73

That Item C2 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

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains information of a commercial nature.

Local Government Act

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

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

C 74

That:

1. Council notes the progress of contract negotiations between the General Manager and Solo Resource Recovery regarding the extension of the current waste collection services contract (RFO2016040), and
2. A further report be provided to Council on final results of the negotiations.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

C3 LATE [E-CM] Purchase of Flood Liable Land at South Murwillumbah

LATE ITEM

C 75

That Item C3 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
ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

REASON FOR CONFIDENTIALITY:

This report relates to the purchase of land and contains commercial in confidence information that should not be revealed to the public.

Local Government Act

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

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

C 76

That Council:

1. Approves entering into a contract for the purchase of 45 Wardrop Street, South Murwillumbah, comprised in Lots 6 to 10 Section 12 DP 2974, for the amount noted in the body of the report plus GST; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

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

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Cr K Milne
Cr J Owen

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes, Cr C Cherry

There being no further business the Meeting terminated at 9.18pm



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

Chairman