



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland

**Councillors:** M Armstrong (Deputy Mayor)  
G Bagnall  
C Byrne  
K Milne  
W Polglase  
P Youngblutt

# Minutes

## **Ordinary Council Meeting Thursday 10 April 2014**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

### **COUNCIL'S CHARTER**

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 5.00pm.

### **IN ATTENDANCE**

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Attendee Cr G Bagnall was not present at the commencement of the meeting.

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Peter Brack (Acting Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Pastor Phil Gibbs:

*"Mr Mayor, Councillors, Council staff, and members of the public..."*

#### ***Let us pray***

*Almighty God, Father of our Lord Jesus Christ, we come before you at the opening of this new council session and honour You, for You are the sovereign One who provides all good things. We praise You for the Tweed Valley and its environs with all the beauty and grandeur of the mountains, rivers and sea. We praise You for the diversity and dynamic of the many people that make up our community, and we praise You for the gift of leaders and social structure.*

*We seek Your divine guidance upon the Mayor and Councillors and all who preside in this chambers, asking that all matters be considered with due wisdom in service of this broad community. We pray that Your goodness will be reflected even in the questions and debates, and that You would enable all to be respectful of each other.*

*We acknowledge the workings and activities of the Tweed Shire Council often require sacrificial service, and pray the example of our Lord Jesus Christ in how He gave Himself for us, will encourage us in our service for the management and development of this shire.*

*We commit this session of Council to You in the Name of Jesus Your Son.*

*Amen"*

## CONFIRMATION OF MINUTES

- 1 **[CONMIN] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 March 2014**

188

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 March 2014 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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## APOLOGIES

Nil.

## DISCLOSURE OF INTEREST

Mr Peter Brack, Corporate Compliance Officer/Acting Public Officer, wishes to declare a Non Significant Non Pecuniary Interest in Item a9 [PR-CM] DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki. The nature of the interest is that Mr Brack has a friendship with the applicant.

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

Nil.

## SCHEDULE OF OUTSTANDING RESOLUTIONS

- 2 **[SOR] Schedule of Outstanding Resolutions**

The report on the Schedule of Outstanding Resolutions was received and noted.

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## MAYORAL MINUTE

### 3 [MM-CM] Mayoral Minute for the month of March 2014

189

Cr B Longland

**RESOLVED** that the Mayoral Minute for the month of March 2014 be received and noted, with the following amendments to:

#### Invitations/Mayoral representation

11 March Tweed Chamber of Commerce Breakfast Meeting - Cr Polglase also attended.

#### Conferences attended by the Mayor and/or Councillors

28-29 March Executive Certificate for Elected Members (Stage 3) - Aqualuna Beach Resort, Coffs Harbour - Cr Armstrong did not attend.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

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## RECEIPT OF PETITIONS

### 4 [ROP] Receipt of Petitions

There were no petitions tabled.

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## REPORTS THROUGH THE GENERAL MANAGER

## REPORTS FROM THE GENERAL MANAGER

### 5 [GM-CM] Cooly Rocks On Expansion into Tweed Heads Request

190

Cr C Byrne

Cr P Youngblutt

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**PROPOSED** that Council agrees to the expansion of the festival into the Jack Evans Boat Harbour precinct of the Cooly Rocks On Festival with:

1. New Zone 10 Car Display in Chris Cunningham Park.
2. Transfer of the carnival from Marine Parade, subject to the usual licensing conditions.

Cr G Bagnall attended the meeting at 05:08 PM

#### **AMENDMENT 1**

191

**Cr G Bagnall**  
**Cr K Milne**

**PROPOSED** that Council agrees to the expansion of the festival into the Jack Evans Boat Harbour precinct of the Cooly Rocks On Festival with:

1. New Zone 10 Car Display in Chris Cunningham Park.
2. Transfer of the carnival from Marine Parade, subject to the usual licensing conditions.
3. A further two not for profit community groups, including Murwillumbah Tennis Club and Chinderah Scouts be invited to have stalls at the site in recognition of the use of the community open space.

Amendment 1 was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong**

#### **AMENDMENT 2**

192

**Cr C Byrne**  
**Cr G Bagnall**

**RESOLVED** that Council agrees to the expansion of the festival into the Jack Evans Boat Harbour precinct of the Cooly Rocks On Festival with:

1. New Zone 10 Car Display in Chris Cunningham Park.
2. Transfer of the carnival from Marine Parade, subject to the usual licensing conditions.
3. Organisers being requested to include a further two not for profit community groups from Tweed Shire being invited to operate stalls at the site in recognition of the use of the community open space.

Amendment 2 was **Carried**

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**FOR VOTE - Voting - Unanimous**

Amendment 2 on becoming the Motion was **Carried** - (Minute No 192 refers)

**FOR VOTE - Unanimous**

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**SUSPENSION OF STANDING ORDERS**

**193**

**Cr W Polglase  
Cr B Longland**

**RESOLVED** that Standing Orders be suspended to deal with Item 9 [PR-CM] Development Application DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel Incorporating Demolition of Existing Structures and Vegetation, Construction of New Single Storey Hotel, Motel Accommodation and Associated Infrastructure at Lot 20 DP 1139178 No. 149 Kyogle Road, Uki, Item a9 [PR-CM] DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 149 Kyogle Road, Uki, Item 35 [NOM] Lot 1 DP 1117599 (formerly Lot 490) Kingscliff, and Item 38 [NOM] Protecting Lot 490 of the Agenda.

The Motion was **Carried**

**FOR VOTE - Unanimous**

- 9 [PR-CM] Development Application DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel Incorporating Demolition of Existing Structures and Vegetation, Construction of New Single Storey Hotel, Motel Accommodation and Associated Infrastructure at Lot 20 DP 1139178 No. 149 Kyogle Road, Uki**

Item 9 and Item a9 were dealt with concurrently.

**LATE ITEM**

**194**

**Cr P Youngblutt  
Cr C Byrne**

**RESOLVED** that Item a9 [PR-CM] DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 149 Kyogle Road, Uki being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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**FOR VOTE - Unanimous**

**a9 [PR-CM] DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel Incorporating Demolition of Existing Structures and Vegetation, Construction of New Single Storey Hotel, Motel Accommodation and Associated Infrastructure at Lot 20 DP 1139178 No. 149**

Peter Brack, Corporate Compliance Officer/Acting Public Officer, declared a Non Significant Non Pecuniary Interest in Item a9. The nature of the interest is that Mr Brack has a friendship with the applicant. Mr Brack will manage the interest by remaining in the Chamber and taking no part in the discussion on the matter.

**195**

**Cr P Youngblutt  
Cr C Byrne**

**PROPOSED** that Development Application DA13/0711 for a staged redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- 1 of 10 - Existing Site Layout
- 2 of 10 - Proposed New Site Layout
- 3 of 10 - Hotel Floor Plan
- 4 of 10 - Hotel Elevations
- 5 of 10 - Motel Elevations
- 6 of 10 - Cross Sections
- 7 of 10 - Site Analysis Plan
- 8 of 10 - Shadow Diagrams
- 9 of 10 - Streetscape Plan
- 10 of 10 - Proposed Landscaping & Site Building Works

prepared by Richard Lutz and Associates and dated November 2013, except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

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.

[GEN0135]

5. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Engineering Division for approval of such works.

[GEN0155]

6. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

7. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

8. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

9. 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]

10. 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 engineering plans and specifications for the following required works:

(a) Provision of a standard access in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan.

(b) Bitumen or concrete sealing of each access from the existing road carriageway to the property boundary.

[GENNS01]

11. 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 or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works.)

[GENNS02]

12. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the

lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

13. The developer shall provide 28 car parking spaces for the new Mt Warning Hotel (Stage 1) and 7 car parking spaces for the motel component (Stage 2) including parking for the disabled (as required) in accordance with Tweed Shire Councils Development Control Plan Part A2 - Site Access and Parking Code.  
[GENNS03]
14. Approval is given subject to provision of storage tanks by the developer that meet fire fighting requirements of 20 L/s for 4 hours (ie: 288 kL water supply) as per the report submitted by Newton Denny Chapelle to Council on 25 March 2014.  
[GENNS04]
15. Waste management shall be carried out in accordance with the approved Waste Management Plan prepared by Newton Denny Chapelle (NDC), dated 26 February 2014, reference number 13/191.
16. As outlined on Plan No. 10 of 10 prepared by Richard Lutz and Associates and dated November 2013, the replacement of an araucaria cunninghamii (hoop pine) is required for each araucaria cunninghamii (hoop pine) removed from the site.  
[GENNS05]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

17. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for each relevant stage for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.  
[PCC0285]
18. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate for each relevant stage to discharge to Councils sewerage system.  
[PCC1255]
19. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.  
[PCC1265]
20. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.  
[PCC1275]

21. If the development is likely to disturb or impact upon telecommunications infrastructure, 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.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

22. Prior to the construction certificate for each relevant stage being issued, three copies of plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:

- a. Floor plan
- b. Layout of premises showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- d. Hydraulic design in particular method of disposal of trade waste
- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- f. Served areas including counters etc.

[PCCNS01]

#### **PRIOR TO COMMENCEMENT OF WORK**

23. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

24. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCW0025]

25. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

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

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

[PCW0215]

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

[PCW0225]

28. 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]

29. 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]

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

[PCW0745]

31. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.

[PCW0755]

32. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

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

34. 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]

35. Construction and/or demolition site work including the entering and leaving of 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]

36. 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]

37. 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]

38. 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]

39. 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 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

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

[DUR0415]

41. 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]

42. 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 2011.

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]

43. 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]

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

[DUR0815]

45. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0845]

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

[DUR0985]

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

[DUR0995]

48. 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]

49. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

50. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

51. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

52. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 meters.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

53. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

54. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

55. A concrete footpath 1.2 metres wide and 100 millimeters thick is to be constructed on a compacted crusher dust bedding along the entire frontage of the site in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

56. 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]

57. 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 any use or occupation of the buildings.

[DUR1875]



58. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation. [DUR1955]
59. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved. [DUR2025]
60. 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 blow from the site. [DUR2185]
61. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
62. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary. [DUR2205]
63. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means. [DUR2285]
64. 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 to ensure minimal impact on adjoining properties. Drainage must be installed and operational prior to commencement of any building work. [DUR2325]
65. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated. [DUR2375]

66. 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]

67. 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]

68. 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]

69. 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]

70. 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]

71. 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]

72. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[DUR2575]

73. Any waste bonded fibrous cement material encountered on the site is to be managed in accordance with 'Preliminary Contaminated Land Assessment for the Proposed Staged Redevelopment of the Mount Warning Hotel prepared by Greg Alderson and Associates Pty Ltd, dated 20 November 2013 .

74. The local exhaust system is to be constructed and installed in accordance with the certified plans.
75. Premises to be fitted out in accordance with the Council approved fit-out plans. [DURNS01]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

76. Prior to issue of an occupation certificate for each relevant stage, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans. [POC0005]

77. Prior to the issue of an Occupation Certificate for each relevant stage a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period. [POC0165]

78. 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 109H(4)) unless an occupation certificate for each relevant stage has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]

79. A satisfactory final inspection of the building is to be carried out by the principal certifying authority prior to occupation for each relevant stage or use commencing. [POC0255]

80. A final occupation certificate for each relevant stage 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 for each relevant stage (unless otherwise specified herein). [POC0355]

81. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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 S94 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 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:  
83.205 Trips @ \$2318 per Trips \$192,869  
(\$2,239 base rate + \$79 indexation)  
S94 Plan No. 4  
Sector12b\_4

[POC0395/PSC0175]

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

[POC0475]

83. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

84. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

85. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

86. 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.

Prior to the occupation of the building for each relevant stage or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: 0.9 ET @ \$12575	\$11317.50
Sewer: 1.3 ET @ \$6042	\$7854.60

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

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These charges 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 94 Plan current at the time of the payment.

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.

[POC0675]

87. Prior to the issue of an occupation certificate for each relevant stage, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

88. 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]

89. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate for each relevant stage.

[POC0865]

90. Prior to the issue of an occupation certificate for each relevant stage, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

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

[POC1045]

92. Certification to be provided that the local exhaust system was constructed and installed in accordance with the certified plans and in accordance with AS1668.2.

[POCNS01]

93. All constructed retaining structures in excess of 1.2m in height are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted to the Principle Certifying Authority and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

[POCNS01]

94. On completion of work, a certificate signed by a practicing NPER civil engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice.

[POCNS02]

95. Prior to occupation for each relevant stage of the development, Council must undertake a final inspection of the works associated with the landscaping, driveway and car parks and be satisfied that all relevant conditions of consent have been complied with.

[POCNS03]

## USE

96. 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]

97. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

98. 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]

99. Hours of operation of the business are restricted to the following hours:

- \* 10:00am to 12:00am - Mondays to Saturdays
- \* 10:00am to 10:00pm - Sundays
- \* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

100. 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]

101. 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]

102. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.

[USE0255]

103. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

104. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

**GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 (for work requiring a controlled activity approval)**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA13/0711 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
  - (i) Erosion and Sediment Control Plan
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Waters guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
8. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved

- by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
9. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
  10. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
  11. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
  12. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

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

1. The development proposal is to comply with the plans/documents prepared by Richard Lutze and Associates, numbered 731/1 to 731/10 inclusive and dated November 2013.
2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
5. Construction of the proposed accommodation building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. All new fencing shall be non-combustible.
7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**AMENDMENT 1**



**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that Development Application DA13/0711 for a staged redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- 1 of 10 - Existing Site Layout
- 2 of 10 - Proposed New Site Layout
- 3 of 10 - Hotel Floor Plan
- 4 of 10 - Hotel Elevations
- 5 of 10 - Motel Elevations
- 6 of 10 - Cross Sections
- 7 of 10 - Site Analysis Plan
- 8 of 10 - Shadow Diagrams
- 9 of 10 - Streetscape Plan
- 10 of 10 - Proposed Landscaping & Site Building Works

prepared by Richard Lutz and Associates and dated November 2013, except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

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.

[GEN0135]

5. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Engineering Division for approval of such works.

[GEN0155]

6. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

7. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

8. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

9. 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]

10. 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 engineering plans and specifications for the following required works:

(a) Provision of a standard access in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan.

(b) Bitumen or concrete sealing of each access from the existing road carriageway to the property boundary.

[GENNS01]

11. 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 or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works.)

[GENNS02]

12. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

13. The developer shall provide 28 car parking spaces for the new Mt Warning Hotel (Stage 1) and 7 car parking spaces for the motel component (Stage 2) including parking for the disabled (as required) in accordance with Tweed Shire Councils Development Control Plan Part A2 - Site Access and Parking Code.

[GENNS03]

14. Approval is given subject to provision of storage tanks by the developer that meet fire fighting requirements of 20 L/s for 4 hours (ie: 288 kL water supply) as per the report submitted by Newton Denny Chapelle to Council on 25 March 2014.

[GENNS04]

15. Waste management shall be carried out in accordance with the approved Waste Management Plan prepared by Newton Denny Chapelle (NDC), dated 26 February 2014, reference number 13/191.

16. As outlined on Plan No. 10 of 10 prepared by Richard Lutz and Associates and dated November 2013, the replacement of an *araucaria cunninghamii* (hoop pine) is required for each *araucaria cunninghamii* (hoop pine) removed from the site.

[GENNS05]

- 16a. The proponent is required to salvage timber from the hoop pines so that their heritage value can be displayed at the site.

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

17. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for each relevant stage for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

18. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate for each relevant stage to discharge to Councils sewerage system.

[PCC1255]

19. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.

[PCC1265]

20. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

21. If the development is likely to disturb or impact upon telecommunications infrastructure, 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.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

22. Prior to the construction certificate for each relevant stage being issued, three copies of plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:

- a. Floor plan
- b. Layout of premises showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- d. Hydraulic design in particular method of disposal of trade waste
- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- f. Servery areas including counters etc.

[PCCNS01]

## **PRIOR TO COMMENCEMENT OF WORK**

23. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

24. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCW0025]

25. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

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

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
27. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
28. 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]
29. 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]
30. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.
- [PCW0745]
31. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify

that adequate consolidation of foundation material has been achieved to support the proposed structure.

[PCW0755]

32. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

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

34. 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]

35. Construction and/or demolition site work including the entering and leaving of 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]

36. 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]

37. 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]

38. 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]

39. 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 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

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

[DUR0415]

41. 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 Council's road reserve.

[DUR0435]

42. 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 2011.

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]

43. 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]

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

[DUR0815]

45. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0845]

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

[DUR0985]

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

[DUR0995]

48. 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]

49. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

50. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

51. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

52. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 meters.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.



Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

53. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

54. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

55. A concrete footpath 1.2 metres wide and 100 millimeters thick is to be constructed on a compacted crusher dust bedding along the entire frontage of the site in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

56. 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]

57. 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 any use or occupation of the buildings.

[DUR1875]

58. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation.

[DUR1955]

59. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

60. 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 blow from the site.

[DUR2185]

61. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]

62. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

63. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

[DUR2285]

64. 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 to ensure minimal impact on adjoining properties. Drainage must be installed and operational prior to commencement of any building work.

[DUR2325]

65. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

66. 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]

67. 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]

68. 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]
69. 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]
70. 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]
71. 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]
72. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities. [DUR2575]
73. Any waste bonded fibrous cement material encountered on the site is to be managed in accordance with 'Preliminary Contaminated Land Assessment for the Proposed Staged Redevelopment of the Mount Warning Hotel prepared by Greg Alderson and Associates Pty Ltd, dated 20 November 2013 .
74. The local exhaust system is to be constructed and installed in accordance with the certified plans.
75. Premises to be fitted out in accordance with the Council approved fit-out plans. [DURNS01]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

76. Prior to issue of an occupation certificate for each relevant stage, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans. [POC0005]

77. Prior to the issue of an Occupation Certificate for each relevant stage a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

78. 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 109H(4)) unless an occupation certificate for each relevant stage has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

79. A satisfactory final inspection of the building is to be carried out by the principal certifying authority prior to occupation for each relevant stage or use commencing.

[POC0255]

80. A final occupation certificate for each relevant stage 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 for each relevant stage (unless otherwise specified herein).

[POC0355]

81. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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 S94 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 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:  
83.205 Trips @ \$2318 per Trips \$192,869  
(\$2,239 base rate + \$79 indexation)  
S94 Plan No. 4  
Sector12b\_4

[POC0395/PSC0175]

82. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for each relevant stage for the building. [POC0475]
83. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval. [POC0615]
84. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124. [POC0625]
85. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request. [POC0635]
86. 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.

Prior to the occupation of the building for each relevant stage or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: 0.9 ET @ \$12575	\$11317.50
Sewer: 1.3 ET @ \$6042	\$7854.60

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

These charges 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 94 Plan current at the time of the payment.

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.

[POC0675]

87. Prior to the issue of an occupation certificate for each relevant stage, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

88. 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]
89. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate for each relevant stage. [POC0865]
90. Prior to the issue of an occupation certificate for each relevant stage, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices. [POC0985]
91. Prior to the occupation for each relevant stage or use of any building and prior to the issue of any occupation certificate for each relevant stage, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works. [POC1045]
92. Certification to be provided that the local exhaust system was constructed and installed in accordance with the certified plans and in accordance with AS1668.2. [POCNS01]
93. All constructed retaining structures in excess of 1.2m in height are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted to the Principle Certifying Authority and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound. [POCNS01]
94. On completion of work, a certificate signed by a practicing NPER civil engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice. [POCNS02]
95. Prior to occupation for each relevant stage of the development, Council must undertake a final inspection of the works associated with the landscaping, driveway and car parks and be satisfied that all relevant conditions of consent have been complied with. [POCNS03]

## USE

96. 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]
97. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible

within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

98. 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]

99. Hours of operation of the business are restricted to the following hours:

- \* 10:00am to 12:00am - Mondays to Saturdays
- \* 10:00am to 10:00pm - Sundays
- \* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

100. 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]

101. 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]

102. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.

[USE0255]

103. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

104. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

## **GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 (for work requiring a controlled activity approval)**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA13/0711 and provided by Council. Any amendments or modifications to the proposed controlled

activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
  - (i) Erosion and Sediment Control Plan
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Waters guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
8. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
9. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
10. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
11. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
12. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works



maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

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

1. The development proposal is to comply with the plans/documents prepared by Richard Lutze and Associates, numbered 731/1 to 731/10 inclusive and dated November 2013.
2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
5. Construction of the proposed accommodation building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. All new fencing shall be non-combustible.
7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Amendment 1 was **Carried**

***FOR VOTE - Unanimous***

**AMENDMENT 2**

**197**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that the item be deferred for an independent review by Council on the arborists report.

Amendment 2 was **Lost**

***FOR VOTE - Cr K Milne, Cr G Bagnall***

***AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland***

Amendment 1 on becoming the Motion was **Carried** - (Minute No 196 refers)

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr K Milne**

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**35 [NOM] Lot 1 DP1117599 (formerly Lot 490) Kingscliff**

**NOTICE OF MOTION:**

**198**

**Cr B Longland**  
**Cr M Armstrong**

**RESOLVED** that Council maintains its previous vision to preserve Lot 1 DP 1117599 (formerly known as Lot 490, Kingscliff) for public open space and recreation reserve while preserving its ecological values. Accordingly, Council seeks an amendment to the Tweed Local Environmental Plan to seek rezoning of Lot 1 DP 1117599 (former Lot 490, Kingscliff) as E2 Environmental Zone.

The Motion was **Carried**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

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**38 [NOM] Protecting Lot 490**

**NOTICE OF MOTION:**

This item lapsed as it was dealt with at Item 35 [NOM] Lot 1 DP1117599 (formerly Lot 490) Kingscliff (Minute No 198 refers).

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**RESUMPTION OF STANDING ORDERS**

**199**

**Cr B Longland**  
**Cr M Armstrong**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**6 [GM-CM] Destination Tweed - Performance and Funding Contract**

**200**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council supports in principal the renewal of a funding contract of Destination Tweed for an additional four years expiring September 2018.
2. Council endorses the General Manager to enter into Deed of Variation with Destination Tweed to revoke the requirement to provide services described as B1 Marketing and Promotion of Tweed for Business Investment and undertakes all necessary documentation under the common seal of Council.
3. Council require Destination Tweed to provide Tweed Shire Council with a financial management plan (Business Plan) in detail for the funding period on how the funds will be dispersed within Destination Tweed.
4. A report be prepared for a future Council meeting to outline the Financial Plan/Management Plan and to seek Council's endorsement.
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***

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**7 [GM-CM] Economic Development Strategy**

**201**

**Cr W Polglase  
Cr B Longland**

**RESOLVED** that:

1. Council endorses the Tweed Economic Development Strategy.
2. 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 - Cr P Youngblutt, Cr W Polglase, Cr K Milne, Cr G Bagnall, Cr B Longland, Cr M Armstrong**

**AGAINST VOTE - Cr C Byrne**

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.30pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 7.15pm.

## **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

### **8 [PR-CM] Council Car Parking Enforcement Tweed Heads Hospital**

**202**

**Cr C Byrne**

**Cr M Armstrong**

**RESOLVED** that Council:

1. Receives and notes the report titled Council Car Parking Enforcement Tweed Heads Hospital;
2. Does not support a renewed Council monitoring and enforcement service for time restricted car parking spaces within the grounds of the Tweed Heads Hospital.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr B Longland**

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### **9 [PR-CM] Development Application DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel Incorporating Demolition of Existing Structures and Vegetation, Construction of New Single Storey Hotel, Motel Accommodation and Associated Infrastructure at Lot 20 DP 1139178 No. 149 Kyogle Road, Uki**

This item was dealt with earlier in the Agenda - Minute No 196 refers.

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- a9 [PR-CM] DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 149 Kyogle Road, Uki**

This item was dealt with earlier in the Agenda - Minute No 196 refers.

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**LATE ITEM**

**203**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that Item b9 [PR-CM] Tweed Development Control Plan - Section A16 Preservation of Trees or Vegetation being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

- b9 [PR-CM] Tweed Development Control Plan - Section A16 Preservation of Trees or Vegetation**

**204**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. Draft Tweed Development Control Plan, Section A16 Preservation of Trees or Vegetation, is adopted, as amended, and
2. The new Tweed Development Control Plan, Section A16 Preservation of Trees or Vegetation adopted under Resolution No.1 be publicly notified in accordance with Regulation 21 of the *Environmental Planning and Assessment Regulation 2000*; and
3. Council forwards to the Director-General of NSW Planning and Infrastructure a copy of the adopted Tweed Development Control Plan, Section A16 Preservation of Trees or Vegetation, in accordance with Regulation 25AB of the *Environmental Planning and Assessment Regulation 2000*.

The Motion was **Carried**

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**FOR VOTE - Voting - Unanimous**

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**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**10 [CNR-CM] Tyalgum Transfer Station - Consultation on Options for Closure of the Transfer Station and Establishment of a Scenic Lookout**

**205**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that:

1. Council closes the Tyalgum Transfer Station at the end of the 2013/2014 financial year.
2. Council seeks feedback from the community on the design of a scenic lookout on the site of the current Tyalgum Transfer Station.
3. The funds currently committed to the Transfer Station for the next four years be used for the establishment and maintenance of the new scenic lookout.
4. The balance of funds redeemed due to the closure of the Transfer Station for the next four years be put toward a prioritised list of infrastructure projects in the Tyalgum area with a view to commencing such projects in the 2014/2015 financial year.
5. Council submits a list of projects previously proposed in the Tyalgum area for feedback from the community in determining the prioritised program of works.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland  
AGAINST VOTE - Cr G Bagnall**

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**11 [CNR-CM] Feasibility of Collection of Household Batteries within Various Commercial Business Districts**

**206**

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Council implements drop off recycling stations for domestic waste streams including batteries, compact fluorescent lights/fluorescent lighting, mobile phones and ink

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cartridges at Council's Civic Centres (Tweed and Murwillumbah), schools and businesses as per the action plan outlined in this report.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr C Byrne**

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**12 [CNR-CM] Update on the Regional Waste Strategy**

**207**

**Cr P Youngblutt**  
**Cr G Bagnall**

**RESOLVED** that Council:

1. Provides a response to the North East Waste group supporting the joint regional initiatives and advising of Council's willingness to sign up to a Memorandum of Understanding to further investigate the governance and establishment of an independent company that will allow the delivery of joint regional waste initiatives.
2. Advises the North East Waste Group of its position relating to the joint regional landfill proposal.

Cr M Armstrong temporarily left the meeting at 07:46 PM.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

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**13 [CNR-CM] Amended Tweed Development Control Plan Section B25 - Coastal Hazards**

**208**

**Cr B Longland**  
**Cr K Milne**

**RESOLVED** that:

1. Council publicly exhibits the amended Tweed Development Control Plan Section B25 - Coastal Hazards in accordance with the Environmental Planning and Assessment Act 1979 for a period of 60 days.
-

2. A further report be brought back to Council following the conclusion of the exhibition period.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

Cr M Armstrong has returned from temporary absence at 07:48 PM

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## 14 [CNR-CM] Planning Proposal for Commercial Wakeboarding Operations

209

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that:

1. A Tweed River System Recreational Strategy for the navigable waters of the Tweed's rivers and estuaries be prepared, in consultation with key stakeholders and government agencies, and that it provide suitable recommendations and guidelines for the preparation of a development control plan.
2. Following the adoption of a Tweed River System Recreational Strategy by Council, a development control plan be prepared and publicly exhibited.
3. In addition to the issues outlined in the Council resolution of 19 September 2013, the development of the Tweed River System Recreational Strategy and subsequent development control plan are to be informed by a review of the safe environmental carrying capacity of the river and include, but not be limited to, specific reference to and consideration of:
  - i) the environmental significance of the estuary;
  - ii) the cultural significance of the estuary including for the Aboriginal community;
  - iii) the state of the estuary including riverbank erosion, water quality, health and abundance of marine life, bird life, wildlife, seagrass, saltmarsh, mangroves, and benthic macro-invertebrates, the extent of riparian corridors and the gaps needing revegetation;
  - iv) environmental factors and impacts arising from various types and levels of recreational activities including:
    - a) erosion, and increased future erosion vulnerability due to sea level rise;
    - b) disturbance of estuary species and bird feeding activities;
    - c) boatstrikes on turtles and dolphins; and
    - d) increased turbidity.
  - v) social and economic factors arising from various types and levels of recreational activities including impacts on the built environment, residential amenity, safety and amenity of other recreational users, and impact on Council's budget;
  - vi) factors affecting demand; and



- vii) options for various types and levels of appropriate recreation.

The Motion was **Carried**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland  
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

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**15 [CNR-CM] Biofund Koala Connections Project Implementation**

**210**

**Cr C Byrne  
Cr B Longland**

**RESOLVED** that Council approves the expenditure under the Biodiversity Fund Koala Connections project for works on twelve private properties as listed in the table contained within the report.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**16 [CNR-CM] Biodiversity Grant**

**211**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that Council approves the proposed Biodiversity Grants to assist the private landowner to undertake the project listed in the table contained within the report.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**17 [CNR-CM] Variations to Contract EQ2011-170 Options and Design Report for Foreshore Protection Works, Kingscliff Beach**

**212**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that:

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1. Council accepts the variation for additional sea wall detailed concept designs from Water Research Laboratory to a total of \$41,259 (exclusive of GST) for EQ2011-170 Options and Design Report for Foreshore Protection Works, Kingscliff Beach.
2. The General Manager is given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.
3. Council requests financial assistance of 50% of this additional cost from the Coastal Management Program of the NSW Office of Environment and Heritage.
4. ATTACHMENT is CONFIDENTIAL in accordance with Section 10A(2)(c) and (d) 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.
  - (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**

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**18 [CNR-CM] Second Round Applications for Financial Assistance 2013/2014 - Donations Policy**

213

**Cr W Polglase  
Cr C Byrne**

**RESOLVED** that Council:

1. Allocates the Second Round Donations for 2013/2014 under the Donations Policy as follows:

<b><u>Applicant</u></b>	<b><u>Amount</u></b>
Tyalgum District Community Association Inc	\$ 1,000
Tweed Valley Early Childhood Intervention Service Inc (t/as Shaping Outcomes)	\$ 2,000
Tweed Valley Woodcrafters Association Inc	\$ 1,000
St Vincent de Paul Society NSW Lismore Central Council	\$ 2,000
1st Chinderah Scouts	\$ 1,400
Tweed Valley Justice's Association Inc	\$ 500
Studio Aperio Incorporation	\$ 2,000
Tweed Palliative Support Inc	\$ 2,000
Caba Creative	\$ 720

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Tweed Theatre Company Inc	\$ 550
<b>TOTAL</b>	<b>\$13,170</b>

2. ATTACHMENT 1 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).

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**19 [CNR-CM] Draft Access and Inclusion Plan**

**214**

**Cr C Byrne**  
**Cr K Milne**

**RESOLVED** that Council:

1. Places on public exhibition the Draft Access and Inclusion Plan for a period of 28 days and seeks submissions for a period of 42 days.
2. A further report be brought back to Council following the conclusion of the exhibition period.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**20 [CNR-CM] Membership Equal Access Advisory Committee**

**215**

**Cr C Byrne**  
**Cr K Milne**

**RESOLVED** that:

1. Council makes the following appointments for the remainder of the term until September 2016, to the Equal Access Advisory Committee:

<b>Member Organisation</b>	<b>Nominated Delegate</b>
Community Member	Faye Druett
Community Member	Angela Collins

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## REPORTS FROM THE DIRECTOR ENGINEERING

- 21 [E-CM] Acquisition of Crown Land for Road Purposes - Twin Bridge and O'Briens Bridge, Kyogle Road Mount Burrell

216

Cr C Byrne  
Cr K Milne

**RESOLVED** that:

1. Council approves the acquisition of Lot 1 in DP 1193231 and Lot 1 in DP 1193234 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Lot 1 in DP 1193234 and Lot 1 in DP1193231 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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- 22 [E-CM] Variation and Release of Restrictions on Use of Land at Tweed Ultima, Wharf Street, Tweed Heads

217

Cr C Byrne  
Cr K Milne

**RESOLVED** that Council:

1. Approves the Variation of the Restriction on the use of land to vary the requirement "A Lot Burdened must not be used for any purpose other than the purpose of tourist accommodation" to "A Lot Burdened must not be used for any other purpose than for the purpose of multi-dwelling housing" ninthly referred to in SP 79995 affecting the following Lots in SP 79995:

11	85	99
12	86	100
13	87	107
17	88	
19	89	
25	92	
28	93	
31	94	

2. Approves the release of the Restriction on the Use of Land Variable Width firstly referred to in DP1148811 burdening the Common Property of SP 79995.
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**23 [E-CM] EC2014-036 Supply of Retail Electricity to Large Sites and EC2014-037 Supply of Retail Electricity for Streetlighting**

**218**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that Council considers a late report for:

1. EC2014-036 Supply of Retail Electricity to Large Sites.
2. EC2014-037 Supply of Retail Electricity for Streetlighting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**LATE ITEMS**

**219**

**Cr C Byrne**

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**Cr K Milne**

**RESOLVED** that Items a23 [E-CM] EC2014-036 Supply of Retail Electricity (Large Sites), b23 [E-CM] EC2014-037 Supply of Retail Electricity (Streetlighting), and a24 [E-CM] EC2014-044 Captain Cook Memorial and Lighthouse - Marine Rescue Point Danger Communications Centre being Addendum items be dealt with and they be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**a23 [E-CM] EC2014-036 Supply of Retail Electricity (Large Sites)**

**220**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that:

1. Council awards the contract EC2014-036 Supply of Retail Electricity (Large Sites) to Momentum Energy Pty Ltd for a 3 year contract period commencing on 1 July 2014 (or the first meter read after that date) and finishing on 30 June 2017 (or the first meter read after that date) as per the Contract for the Sale of Electricity between Momentum Energy Pty Ltd ABN 42 100 569 159 and TWEED SHIRE COUNCIL ABN 90 178 732 496 dated 04/04/14.
2. Council delegates the General Manager to sign the Contract Acceptance before close of business on Friday 11 April 2014 and the subsequent Retail Electricity Supply Agreement with Momentum Energy Pty Ltd.
3. 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**

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**b23 [E-CM] EC2014-037 Supply of Retail Electricity (Streetlighting)**

**221**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that:

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1. Council awards the contract EC2014-037 Supply of Retail Electricity (Streetlighting) to Momentum Energy Pty Ltd for a 3 year contract period commencing on 1 July 2014 (or the first meter read after that date) and finishing on 30 June 2017 (or the first meter read after that date) as per the Contract for the Sale of Electricity between Momentum Energy Pty Ltd ABN 42 100 569 159 and Tweed Shire Council ABN 90 178 732 496 dated 04/04/14.
2. Council delegates the General Manager to sign the Contract Acceptance before close of business on Friday 11 April 2014 and the subsequent Retail Electricity Supply Agreement with Momentum Energy Pty Ltd.
- 3 ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**24 [E-CM] Tender Evaluation and Recommendation for EC2014-044 Captain Cook Memorial and Lighthouse - Marine Rescue Point Danger Communications Centre**

**222**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that Council considers a late report for EC2014-004 Captain Cook Memorial and Lighthouse – Marine Rescue Point Danger Communications Centre.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**a24 [E-CM] EC2014-044 Captain Cook Memorial and Lighthouse - Marine Rescue Point Danger Communications Centre**

**223**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that:

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1. Council awards contract EC2014-044 Captain Cook Memorial and Lighthouse - Marine Rescue Point Danger Communications Centre to Australian Prestressing Structures Pty Ltd to the value of \$120,570.16 (Excl. GST).
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**25 [E-CM] Response to Notice of Motion - Tweed Road Contribution Plan**

**224**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that draft Version 6.2 of Section 94 Plan No. 4 Tweed Road Contribution Plan, containing the amendments detailed in this report, be placed on public exhibition.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**26 [E-CM] Mandating Sustainable Water Conservation Measures**

**225**

**Cr P Youngblutt  
Cr W Polglase**

**PROPOSED** that Council receives and notes the report on Mandating Sustainable Water Conservation Measures.

**AMENDMENT**

**226**

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**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that this item be deferred for a workshop on water conservation infrastructure initiatives in Greenfield developments.

The Amendment was **Carried**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

The Amendment on becoming the Motion was **Carried** - (Minute No 226 refers)

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

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## **LATE ITEM**

**227**

**Cr B Longland**  
**Cr M Armstrong**

**RESOLVED** that Item a26 [E-CM] EC2014-026 Arkinstall Park 500kVA Power Supply Design and Install being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**a26 [E-CM] EC2014-026 Arkinstall Park 500kVA Power Supply Design & Install**

**228**

**Cr B Longland**  
**Cr M Armstrong**

**RESOLVED** that:

1. Council awards the contract EC2014-026 to NJ Construction Pty Ltd for the amount of \$239,652.05 (exclusive of GST).
  2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
  3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
    - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
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The Motion was **Carried**

**FOR VOTE - Unanimous**

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

27 [CS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2014/2015 Operational Plan and Resourcing Strategy

229

Cr B Longland  
Cr C Byrne

**RESOLVED** that the Delivery Program 2013/2017 incorporating amendments made by the Draft Operational Plan 2014/2015, Draft Revenue Policy and Statement 2014/2015, Operational Plan Budget 2014/2015 and Fees and Charges 2014/2015, be placed on public exhibition inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993, subject to the amendment to the Fees and Charges (hall fee hire) as tabled at the meeting.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr K Milne**

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28 [CS-CM] Workers Compensation Insurance Tender - EC2014-013

230

Cr P Youngblutt  
Cr M Armstrong

**RESOLVED** that Council

1. Awards the contract EC 2014-013 for Workers Compensation Insurance Services to StateCover Mutual Limited for a contract period of two years (1 July 2014 to 30 June 2016), with the option to extend the contract for a further three (3) by one (1) year periods subject to satisfactory annual performance reviews.
2. 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**

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**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland**  
**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

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**29 [CS-CM] Provision of Legal Services - Tender AC2014-015**

**231**

**Cr P Youngblutt**  
**Cr M Armstrong**

**RESOLVED** that Council in accordance with Tender AC2014-015 Provision of Legal Services, for a period of two years with an option for a further two years:

1. Appoints a panel of legal service providers as follows:

Category 1: Planning and Environmental Law (litigation and advice)

Wilshire Webb Staunton Beattie
Marsdens
Sparke Helmore
Maddocks
Lindsay Taylor Lawyers
HWL Ebsworth
DLA Piper

Category 2: Local Government Law (litigation and advice)

Marsdens
Maddocks
Lindsay Taylor Lawyers
Prevention Partners NSW
Local Government Legal
DLA Piper

Category 3: Commercial/Property Law

Wilshire Webb Staunton Beattie
Marsdens
Sparke Helmore
Maddocks
HWL Ebsworth
Stacks the Law Firm, Tweed Heads
Local Government Legal

Category 4: District and Local Court

Marsdens
Stacks the Law Firm, Tweed Heads
DLA Piper

2. All documentation be executed under the Common Seal of Council; and
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**30 [CS-CM] Monthly Investment Report for Period Ending 31 March 2014**

This item was dealt with at Minute No 233.

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**LATE ITEM**

**232**

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED** that Item a30 [CS-CM] Monthly Investment and Section 94 Contributions Report for Period Ending 31 March 2014 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a30 [CS-CM] Monthly Investment and Section 94 Contributions Report for Period Ending 31 March 2014**

**233**

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 March 2014 totalling \$176,053,384 be received and noted.

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The Motion was **Carried**

**FOR VOTE - Unanimous**

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## ORDERS OF THE DAY

### 31 [NOR] Holiday Rentals (Citizen's Jury)

#### NOTICE OF RESCISSION:

234

Cr C Byrne  
Cr W Polglase

**RESOLVED** that the resolution at Item 40 of the Council Meeting held Thursday 20 March 2014 at Minute Number 179 being:

*"... that the matter be deferred to enable the view of a Citizen's Jury to be obtained. For the purposes of establishing a Citizen's Jury to consider the regulation of holiday lettings in residential unit blocks and residential areas (single dwellings) currently zoned 2(a) Local Environmental Plan 2000 (or similar in the Draft Local Environmental Plan 2012) Council:*

1. *Engage a suitably qualified external Consultant to guide the Citizen's Jury process;*
2. *Advertise the intention of the Council to explore the issues pertaining to holiday letting and calling for volunteers to participate in a Citizen's Jury;*
3. *With the advice of the suitably qualified external Consultant, select a panel of no more than fifteen (15) jurors based upon their availability for an appropriate period of time and to ensure that a balance of demographic characteristics, environmental attitudes, business activity, community participation, and involvement in local government; and*
4. *Undertake to review the recommendations of the Citizen's Jury within a period of six (6) months from the completion of the Citizen's Jury Process with a view to the preparation of a report to establish clear planning guidelines to regulate holiday lettings in residential unit blocks and residential areas (single dwellings) currently zoned 2(a) Local Environmental Plan 2000 (or similar in the Draft Local Environmental Plan 2012)."*

**be rescinded.**

The Motion was **Carried**

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**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland**  
**AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

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**32 [NOM] Holiday Rentals (Citizen's Jury)**

**NOTICE OF MOTION:**

**235**

**Cr C Byrne**  
**Cr P Youngblutt**

**PROPOSED** that Council brings forward a report regarding 'holiday rentals' in residential unit blocks and residential areas (single dwellings) currently zoned Residential R1 and R2 Local Environmental Plan 2014. The report to include, but not limited to:

- any need for utilising residential lots for short term accommodation in the Shire;
- any restrictions on owners on using their lot for this commercial venture;
- any concerns raised to Council regarding 'holiday rentals' and the actions Council has taken against the owner of the lot, managing agent or the occupant of the lot in response to a complaint.

The Motion was **Lost**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**  
**AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**

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**33 [NOR] Murwillumbah Library Alterations**

**NOTICE OF RESCISSION:**

**236**

**Cr M Armstrong**  
**Cr K Milne**

**RESOLVED** that the resolution at Item 15 of the Council Meeting held Thursday 20 March 2014 at Minute No. 149 being:

*"... that:*

1. *Council endorses removing the pond fronting the Murwillumbah Library and the Civic and Cultural Centre and landscaping the area in accord with the design presented within the report.*

2. *The pond on the western side of the access ramp to the Murwillumbah Civic and Cultural Centre be retained."*

**be rescinded.**

Cr P Youngblutt temporarily left the meeting at 08:55 PM.

The Motion was **Carried**

**FOR VOTE - Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

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### **34 [NOM] Murwillumbah Library Alterations**

#### **NOTICE OF MOTION:**

**237**

**Cr K Milne**

**Cr M Armstrong**

**PROPOSED** that Council places on public exhibition for 28 days, the issues arising in the 'Murwillumbah Library Alterations' report of 20 March 2014, and brings forward a report on the community's preferred position.

The public exhibition process to provide discussion of safety issues including details of incidents and comparative incident data from other parks, including Council's skate parks, information on existing plans for future Murwillumbah Library upgrades or expansions and other options to provide more space, and a range of options for the pond, including but not limited, to:

1. The options provided in the Council report;
2. Various options to retain the pond and increase safety with netting/meshing, etc;
3. The option to remove the pond down the side of the building but retain the pond in front of the library; and
4. The potential to enhance the pond with more regular maintenance and improved marine habitats.

Cr P Youngblutt has returned from temporary absence at 08:55 PM

#### **AMENDMENT**

**238**

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**Cr B Longland  
Cr W Polglase**

**RESOLVED** that Council officers bring forward revised plans for the Murwillumbah Library pond that provide for the retention of further pond elements while adequately addressing safety issues identified with the existing pond.

The Amendment was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland  
AGAINST VOTE - Cr C Byrne***

The Amendment on becoming the Motion was **Carried** - (Minute No 238 refers)

***FOR VOTE - Unanimous***

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**35 [NOM] Lot 1 DP 1117599 (formerly Lot 490) Kingscliff**

This item was dealt with earlier in the Agenda - Minute No 198 refers.

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**36 [NOM] Brisbane Street, Murwillumbah**

**NOTICE OF MOTION:**

**239**

**Cr G Bagnall  
Cr W Polglase**

**PROPOSED** that Council remove the blister on the eastern side of Brisbane Street, corner of Wollumbin Street, Murwillumbah, and create extra public car parks.

**AMENDMENT**

**240**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Council:

- a. Remove the blister on the eastern side of Brisbane Street, corner of Wollumbin Street, Murwillumbah; and
  - b. Create extra public car parks, subject to the endorsement of the Local Traffic Committee.
-



The Amendment was **Carried**

***FOR VOTE - Unanimous***

The Amendment on becoming the Motion was **Carried** - (Minute No 240 refers)

***FOR VOTE - Unanimous***

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**37 [NOM] Impacts of Cats on Native Fauna**

**NOTICE OF MOTION:**

**241**

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that Council bring forth a report on the negative impacts of cats on native fauna, and recommendations for management.

This report to include, but not be limited to:

- a summary of current research on the interactions between cats (domestic, free-living strays and feral) and native wildlife on the eastern seaboard;
- what measures have been successfully employed by other Australian Councils to reduce the impacts of cats on native wildlife;
- recommendations as to possible measures Tweed Shire Council can adopt to reduce the impacts of cats on native wildlife; and
- suggestions on where these measures will fit into the organisational structure, and the resourcing implications of adopting such measures.

The Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland***  
***AGAINST VOTE - Cr C Byrne***

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**38 [NOM] Protecting Lot 490**

This item lapsed as it was dealt with at Item 35 [NOM] Lot 1 DP1117599 (formerly Lot 490) Kingscliff (Minute No 198 refers).

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**39 [NOM] Coal Seam Gas Free Signage**

**NOTICE OF MOTION:**

**242**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Council:

1. Undertakes a public exhibition process to determine if the community would like Council to install Coal Seam Gas Free signage at the major entrances to the Shire.
2. To liaise with the gas field-free groups to work out potential locations, size and wording for the signs to include such information in the public exhibition process.

The Motion was **Carried**

***FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland  
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne***

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**40 [NOM] Murwillumbah Hospital - Children's Ward**

**NOTICE OF MOTION:**

**243**

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED** that Council writes to the Minister for Health, Jillian Skinner and provides a copy to the State Members for Tweed and Lismore, Geoff Provest MP, Hon Thomas George MP and the Northern Rivers Area Health District strongly objecting to the closing of the Children's Ward at Murwillumbah Hospital.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## QUESTIONS ON NOTICE

### 41 [QON] Financial Impact of Tweed's Greenfield Developments

#### QUESTION ON NOTICE:

Councillor K Milne asked:

In regard to Tweed's greenfield developments, is the Council likely to experience a financial benefit or burden on the sustainable operations of Council, in relation to the increase in rates and developer contributions, compared to the increased costs associated to Council from these developments, and briefly outline these impacts to Council and any potential impacts on rates for the existing residents

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The Acting Director Corporate Services responded that the question of whether developments create a financial benefit or burden to Council is difficult to answer to any degree of accuracy. It is generally acknowledged that Councils with higher population density are in a more sustainable position than lower population density Councils due to the increased number of ratepayers compared to the physical numbers and lengths of differing types of infrastructure.

Likewise brown field development where infrastructure is already in place are more economically viable for Council than a green field development and has resulted in the new Tweed LEP providing higher density provisions in existing suburbs.

Generally, development across NSW has not improved the financial sustainability of Councils and has been the subject of recent commissioned reports through the NSW Local Government Independent Review Panel.

The NSW TCorp report on financial sustainability found that 74.3% of Councils are currently rated moderate or better and 25.7 % rated weak or very weak. Looking ahead 73 of the 152 Councils across the state have a 'negative' outlook, meaning that within the next few years 46% of Councils across the state are predicted to be rated weak or very weak. The Division of Local Government Infrastructure Audit report estimated a NSW infrastructure backlog of \$4.5b in June 2012, whilst the Tweed Shire infrastructure backlog was estimated at \$55.16m.

It would be difficult to argue, given the financial sustainability of Councils and the level of infrastructure backlog, that the level of rates and developer contributions are adequate to fund the cost of services and assets expected by the community. This predicament is further exacerbated in NSW by the constraints of rate pegging and Section 94 developer contributions caps by state government legislation.

Whilst it is acknowledged that each development is unique and can vary greatly in terms of size and scope and the developments do lead to a larger rate base and the collection of developer contribution revenues, the statistics outlined previously leads to the conclusion that Councils are reducing their asset service levels and maintenance spending despite any new developments, resulting in the view that developments do not have a positive impact on Councils financial sustainability.

## 42 [QON] Wildlife Crossing Signs

### QUESTION ON NOTICE:

Councillor K Milne asked:

Can Council advise whether it is possible to paint wildlife crossing signs on the road similar to those which can be seen on Connection Rd between Currumbin Valley and Tallebudgera Valley?

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The Director Engineering responded that this type of pavement marking is used to supplement traditional signage as an attempt to alert drivers to modify behaviour in areas of high wildlife presence or recorded incidents. There are many variations to the theme, including the use of lane markings, chevrons etc. Redlands City Council has also recently installed them in areas where wildlife is common in or near the roadway.

The Tallebudgera Connection Road signs have been installed by the Department of Transport and Main Roads as it is a State road. They select sites based on roadkill data, wildlife sightings and also in this instance in an effort to reduce proliferation of handmade signs by the community. There has been no reported roadkills since installation approximately 12 months ago however there are numerous other variables which may have contributed to this outcome.

A 200m section of this road has been subject to the installation of vehicle activated signage (VAS) as part of a broader study of 16 sites across South East Queensland. VAS are signs that activate (displaying messages or flashing lights) in response to individual approaching vehicles in response to criteria such as speed. This is a 70km/h zone with relatively low (~650 vehicles/day) traffic volume. The study found that there was a modest (~2km/hr) average reduction in speed across all the trial sites. The cost of this project for this site (signs, strips, installation etc) was approximately \$70,000.

The base cost per sign and stencil only is \$8000 with an estimated 3 year life. There are significant issues with sign fatigue and the confusing element of too many signs that may negate the value of investing in these measures.

With regards to effectiveness of other forms of static signage, there is not a lot of information available. Byron Shire Council installed wildlife zone signage along Left Bank Rd that used signs with a changeable 'wildlife roadkill tally' that is updated each month. The data from this site shows a reduction in wildlife deaths for the monitoring period but has not been collected or analysed in a manner that accounts for other variables such as weather, seasons etc. Similarly, in the Cassowary Coast area in far north Qld, static signage and pavement treatments are noted as having some limited effect that reduces with time.

Staff are however in the early phase of preparing a 'koala road' concept plan to work within the existing environmental and engineering constraints of Clothiers Creek Road through the Nature Reserve. This plan considers the incorporation of a number of non standard

mechanisms including pavement treatment, wildlife crossing zones and variable message signing with the aim of getting drivers to travel at the existing speed limit, to gain recognition from the general community as a 'koala road' and to reduce koala injury and deaths. This plan is obviously subject to engineering, safety, effectiveness and adjoining landholder considerations. Additionally community education and engagement; speed limit reductions where feasible; increased speed limit enforcement and a strategic approach to the prioritisation of any wildlife zones are also important aspects of a well formulated plan.

Advice has been sought from the Local Traffic Committee today on the installation of non-standard pavement markings on the Tallebudgera connection road to warn drivers of the presence of wildlife in the area.

The Local Traffic Committee has advised that the pavement stencil would have very low legibility by motorists unless installed to the Austroads guidelines which would involve elongating the words in the stencil. The standard wildlife roadside sign has higher recognition by motorists and it is recognisable during night and day conditions.

They have further advised that standard signs should be utilised when advising motorists of wildlife in a rural environment and further that consideration be given to an awareness message in the Tweed Link advising residents of potential high risk areas on roads for wildlife and the types of wildlife that could be encountered in Tweed Shire.

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#### **43 [QON] Boating Impacts**

##### **QUESTION ON NOTICE:**

Councillor K Milne asked:

What is the direct or indirect financial contribution of boat owners through boat registrations fees etc, to the installation and maintenance of public boating facilities and the costs of riverbank erosion in the Tweed?

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The Acting Director Community and Natural Resources advised that the most direct financial contribution made by owners of NSW registered vessels to installation of recreational waterways infrastructure in the Tweed is through the better boating grants program. This program administered by Roads and Maritime uses revenue from registration and licence fees for boating infrastructure improvements.

Council has received the following grants from this program:

Chinderah Pontoon	\$60,000
Lakes Drive Pontoon	\$37,000
Kennedy Drive and Pioneer Park Pontoons	\$27,000
Cudgen Creek and Kennedy Drive Boat Ramps	\$35,500
Chinderah Boat Ramp Carpark	\$34,525
Tumbulgum, Dry Dock Road and Foyster's Pontoon Upgrades	\$40,000
Fingal and Condong Boat Ramp Upgrades	\$25,750
Southern Boat Harbour	\$45,500

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In each case Council has committed 50% of project costs from the Waterways Asset Management budget. It is noted that the Better Boating Program is only available for new infrastructure or substantial upgrades, and does not provide funds for maintenance of existing infrastructure. Maintenance costs are funded by Council.

Boat owners do not make any direct contribution to the cost of river bank erosion. Grants to stabilise river bank erosion have been received by Council under the NSW Estuary Management Program and the Natural Disaster Recovery Program.

Council rates and NSW Government taxes paid by boat owners ultimately contribute to the maintenance of waterways infrastructure and management of river banks. It is not however possible to calculate how much revenue is contributed by boat owners for these purposes.

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## DELEGATE REPORTS

Nil.

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

44 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 December 2013

244

Cr P Youngblutt  
Cr M Armstrong

**RESOLVED** That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 December 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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45 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 February 2014

245

Cr P Youngblutt  
Cr M Armstrong

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

*A2. Tim Robins & Clair Davey (Everick) (d) Cobaki Lakes*

*That Council notes the concerns of the Aboriginal Advisory Committee regarding the filling of the sand ridge at Cobaki Lakes and seeks further advice from the Aboriginal Advisory Committee.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**46 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 11 February 2014**

**246**

**Cr K Milne**  
**Cr M Armstrong**

**RESOLVED** that:

1. The Minutes of the Tweed Coast Advisory Committee Meeting held Tuesday 11 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A1. Black Rocks Sports Field**

1. *That:*
  - a) *Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.*
  - b) *the lockable gate will be closed at dusk daily.*
  - c) *the lockable gate will be funded from the Koala Management Plan budget.*
2. *Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.*
3. *The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.*

## AMENDMENT 1

247

Cr K Milne  
Cr M Armstrong

PROPOSED that:

1. The Minutes of the Tweed Coast Advisory Committee Meeting held Tuesday 11 February 2014 be received and noted; and
2. The following recommendations be adopted:

### A1. Black Rocks Sports Field

1. *That:*
  - a) *Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.*
  - b) *the lockable gate will be funded from the Koala Management Plan budget.*
  - c) *the recommended lockable koala-proof and dog-proof vehicle entry gate be locked at all times except during times of authorised access; and*
  - d) *the exclusion fencing also include a self-closing, self-latching (with lockable option) pedestrian and bicycle access gate with an attached sign specifying prohibited activities.*
2. *Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.*
3. *The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.*

Amendment 1 was **Lost**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**  
**AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**

## AMENDMENT 2

248

Cr K Milne  
Cr G Bagnall

PROPOSED that:



1. The Minutes of the Tweed Coast Advisory Committee Meeting held Tuesday 11 February 2014 be received and noted; and
2. The recommendations be adopted as follows:

**A1. Black Rocks Sports Field**

1. *That:*
  - a) *Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.*
  - b) *the lockable gate will be closed at dusk daily.*
  - c) *the lockable gate will be funded from the Koala Management Plan budget.*
2. *Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.*
3. *The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.*
4. *That the Koala Advisory Committee be requested to provide their advice on:*
  - *the recommended lockable koala-proof and dog-proof vehicle entry gate be locked at all times except during times of authorised access; and*
  - *the exclusion fencing also include a self-closing, self-latching (with lockable option) pedestrian and bicycle access gate with an attached sign specifying prohibited activities.*

Amendment 2 was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland**

The Motion was **Carried** - Minute No 246 refers.

**FOR VOTE - Unanimous**

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**47 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 February 2014**

**249**

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED that:**

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1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**GB1. Committee membership matters**

*That Faye Druett be appointed to the existing vacancy on the Equal Access Advisory Committee and Angela Collins application be held open for six months to fill any other vacancy arising in that period.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**48 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 March 2014**

**250**

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 13 March 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:**

**A1 [LTC] Fraser Drive and Terranora Road Intersection, Terranora**

*That a 'Stop' sign be installed on Fraser Drive at the intersection of Terranora Road.*

**A2 [LTC-LATE] Queensland Road, Murwillumbah**

*That the three existing 'No Parking' spaces on Queensland Road opposite the off road bus bay be removed and retained as unlimited parking.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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251

**Cr P Youngblutt**  
**Cr M Armstrong**

**RESOLVED** that the meeting continue beyond 10.00pm.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **CONFIDENTIAL COMMITTEE**

252

**Cr P Youngblutt**  
**Cr M Armstrong**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

### **REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

#### **REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

**C1 [CNR-CM] Park Naming - Bogangar**

#### **REASON FOR CONFIDENTIALITY:**

##### **Local Government Act**

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

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

**C 12**

That in accordance with the Policy for the Naming of Public Parks, Council calls for comment regarding the naming of the northern section of the park located at Norries Headland Bogangar the “*Don Johansen Park*”.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland, Cr G Bagnall**  
**AGAINST VOTE - Cr K Milne**

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**REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE**

**C2 [E-CM] Licence of Road Reserve - Wharf Street, Tweed Heads**

**REASON FOR CONFIDENTIALITY:**

This report contains commercial in confidence material that should not be disclosed to the public as it may affect any dealings between the parties.

**Local Government Act**

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

- (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 13**

That Council:

1. Adopts Option 1 discussed in the body of the report; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland, Cr G Bagnall**  
**AGAINST VOTE - Cr K Milne**

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**C3 [E-CM] Sale of Duroby Quarry**

**REASON FOR CONFIDENTIALITY:**

Disclosure of the negotiations on this sale could affect the expected outcome of the proposed sale.

**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 14**

That Council:

1. Adopts Option 1 of the Report, and;
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland, Cr G Bagnall***  
***AGAINST VOTE - Cr K Milne***

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**REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE**

**aC3 [CS-CM] Property Purchase Lot 2 on DP1019196, Brett Street, Tweed Heads**

**REASON FOR CONFIDENTIALITY:**

**Local Government Act**

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

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

**C 16**

That Council:

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1. Purchase Lot 2 DP 1019196, Brett Street, Tweed Heads from Southern Cross University for the amount outlined in Option 1 within the report; (conditional on recommendation 2 - 4)
2. Waive the remaining outstanding payments for the land purchase from Southern Cross University;
3. Agree to mutually terminate the option agreement signed in 2000 between Tweed Shire Council and Southern Cross University;
4. Enter into negotiations with Southern Cross University as a tenant at the funding and maintenance costs payable by Council pro-rata on the leased area;
5. Authorise the General Manager to sign the Memorandum of Understanding
6. Execute all necessary documents under the Common Seal of Council; and
7. Fund the purchase by way of loan borrowings.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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253

**Cr M Armstrong**  
**Cr P Youngblutt**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 10.16pm.

↑ ○

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

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**Chairman**

