

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 25 October 2018

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at 5.30pm

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

The Meeting commenced at 5.38pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer lead by the General Manager.

CONFIRMATION OF MINUTES

- 1 **[CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Thursday 20 September 2018**

501

Cr R Byrnes
Cr P Allsop

RESOLVED that the Minutes of the Extraordinary Council Meeting held Thursday 20 September 2018 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

- 2 **[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Meeting held Thursday 20 September 2018**

502

Cr R Byrnes
Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 September 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Meetings held Thursday 4 October 2018

503

Cr R Byrnes
Cr P Allsop

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 4 October 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions as at 25 October 2018

The Schedule of Outstanding Resolutions as at 25 October 2018 report was noted.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for September 2018

504

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of September 2018 be received and noted with the following amendments:
 - 16 September Walk A Mile In Our Shoes – Uki War Memorial, 1473 Kyogle Road, Uki.
 - 30 September Bless This Road Healing Day – Uki Hall, 1462 Kyogle Road, Uki.
- Cr Owen did not attend.
2. The attendance of Councillors at the following nominated Conferences be authorised.

Cr R Cooper to attend the IAP2 Conference at Sanctuary Cove, Queensland on 24-25 October.

Cr K Milne to attend the Mayor's weekend Seminar in Sydney on 24-25 November 2018.

Cr P Allsop to attend the IT2018 Local Government Information Technology Conference to be held at Opal Cove Resort, Coffs Harbour on 28-30 November 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions as at 25 October 2018

505

Cr K Milne
Cr C Cherry

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

- Petition received on 11 September 2018 and containing 130 signatures as follows:

"This Petition of residents of Nobbys Creek

Brings to the attention of the Tweed Shire Council the ongoing breaches of development consent conditions - DA06/0603 by the owner and operator of a water extraction operation at 101 Bryens Road, Nobbys Creek. These breaches are affecting the amenity of the area and are damaging our roads.

While the development consent in theory permits bulk transport, the approval itself does not permit any of the infrastructure that is needed for bulk transport. In 2017 the operator began to remove water in bulk tankers. The landowner began to run a number of trucks daily, not one 5 tonne truck per week as permitted in his consent. He operates at all hours, including late at night and early in the mornings. He has installed four unapproved water tanks and facilities on his driveway for the filling of these bulk tankers. Finally, we believe it likely that he is extracting significantly more water than the 12 megalitres he is entitled to under the consent.

These activities are reducing the amenity of the area, particularly truck lights and noise at night. The large tankers are causing substantial road damage - damage that ratepayers will pay to repair. Finally, there are reports of local creeks running dry - diminished water and reduced amenity will inevitably reduce our land values.

The undersigned petitioners therefore ask the Tweed Shire Council to issue an immediate cease work order and cancel DA06/0603."

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

506

Cr K Milne
Cr J Owen

RESOLVED that Standing Orders be suspended to deal with Items 18, 20 and 21 of the Agenda

The Motion was **Carried**

FOR VOTE - Unanimous

- 18 [PR-CM] Development Application D94/0015.10 for an Amendment to Development Consent D94/0015, Development Application T4/2794.07 for an Amendment to Development Consent T4/2794 and Development Application PN1074.10 for an Amendment to Development Consent

ALTERNATE MOTION

507

Cr C Cherry
Cr R Byrnes

RESOLVED that:

- A. Development Application D94/0015.10 for an amendment to Development Consent D94/0015, Development Application T4/2794.07 for an amendment to Development Consent T4/2794 and Development Application PN1074.10 for an amendment to Development Consent PN1074.10 for additions to existing caravan park at Lot 11 DP 1206666; No. 2 Barneys Point Road Banora Point (**restricting the hours of public access to the foreshore footpath on site to 7am to 5pm daily**) be approved subject to amended conditions set out under. **This consent shall be time limited to a period of 12 months from commencement of this approval and a review of the time of restriction of access referred to in this condition be conducted within that period.**
- B. That the Right of Footway easement on Lot 11 DP 1206666; No. 2 Barneys Point Road Banora Point benefitting Tweed Shire Council be amended to restrict the hours of public access to between 7am and 5pm daily.

Draft Amendments to the Conditions of Consent of Development Consent D94/0015, T4/2794 and PN1074 (as previously modified).

1. Condition No. 1AAAAA is to be deleted and replaced with Condition No. 1AAAAAA which reads as follows:

1AAAAAA The caravan park shall have a layout comprising 107 long term sites as detailed within the Site Plan Drawings No M1202-D7 Rev F, prepared by Palm Lake Works dated 12/06/2018 (as approved by S96 Applications D94/0015.10, T4/2794.07 and PN1074.10 in October 2018), except where varied by the condition of this consent. Sites 100-019 shall accommodate RV style homes similar to Plan TWE-XXX-XXX dated 12/06/17 prepared by PalmLake Works.

2. Condition No. 14 is to be deleted and replaced with Condition No. 14A which reads as follows:

14A. Provision must be made for traversable public pedestrian access to and along the foreshore of the Tweed River adjacent the full length of Lot 11 DP 120666, being the land the subject of this development, between hours of 7am and 5pm every day. A public benefit covenant (benefitting Tweed Shire Council) shall be imposed on the land to accommodate the public pedestrian access prior to installation of any structures on the land.

3. Condition 14.1 to be inserted as follows:

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

[GEN0115]

4. Condition 14.2 to be inserted as follows:

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

[GEN0135]

5. Condition 14.3 to be inserted as follows:

14.3 The owner is to ensure that the security gates are constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

6. Condition 14.4 to be inserted as follows:

14.4 The fence and security gates, including the swing of the gates, are to be located and occur within the subject property.

[GENNS01]

7. Condition 14.5 to be inserted as follows:

14.5 Prior to the commencement of work erecting the security gates, 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]

8. Condition 14.6 to be inserted as follows:

14.6 The erection of security gates 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]

9. Condition 14.7 to be inserted as follows:

14.7 Prior to work commencing in erecting the security gates, 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]

10. Condition 14.8 to be inserted as follows:

14.8 **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]

11. Condition 14.9 to be inserted as follows:

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

[DUR0005]

12. Condition 14.10 to be inserted as follows:

14.10 During construction of the security gates, 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]

13. Condition 14.11 to be inserted as follows:

14.11 Commencement of work in erecting the security gates, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:
Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays
The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

14. Condition 14.12 to be inserted as follows:

14.12 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]

15. Condition 14.13 to be inserted as follows:

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

[DUR0395]

16. Condition 14.14 to be inserted as follows:

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

[DUR0405]

17. Condition 14.15 to be inserted as follows:

14.15 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]

18. Condition 14.16 to be inserted as follows:

14.16 Excavation

- a. All excavations and backfilling associated with the erection or demolition of the fence and security gates must be executed safely and in accordance with WorkCover 2000 Regulations.

- b. All excavations associated with the erection or demolition of the fence and security gates must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

19. Condition 14.17 to be inserted as follows:

- 14.17 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]

20. Condition 14.18 to be inserted as follows:

- 14.18 The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

21. Condition 14.19 to be inserted as follows:

- 14.19 Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

22. Condition 14.20 to be inserted as follows:

- 14.20 A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

23. Condition 14.21 to be inserted as follows:

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

[POC1055]

The Motion was **Carried**

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

20 [PR-CM] Development Application DA18/0082 for a Telecommunications Facility at Lot 6 DP 866255 No. 233 Byangum Road, Murwillumbah

508

Cr W Polglase
Cr R Byrnes

RESOLVED that Development Application DA18/0082 for a telecommunications facility at Lot 6 DP 866255 No. 233 Byangum Road, Murwillumbah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Urbis and dated January 2018 and Site Layout Plan No S2646-P1 Rev 05 and Site Elevation Plan No S2646-P2 Rev 05 prepared by Nokia Networks Pty Ltd and dated 8 June 2018, except where varied by the conditions of this consent. [GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense. [GEN0135]
4. The owner is to ensure that the proposed structure is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. [GEN0300]
5. Vegetation management is to be undertaken in accordance with the Arboricultural Impact Assessment dated 24 June 2018 prepared by Independent Arboricultural Services pursuant to amendments prescribed in Condition 11. Pruning of trees shall be limited to those trees identified as Tree 819 and Tree 820 in Site Photos (pp. 22 and 23) of the report. No vegetation shall be removed to facilitate or maintain the development unless otherwise approved by Council's General Manager or delegate. [GENNS01]

6. The development shall be carried out in accordance with the recommendations of the Bushfire Protection Assessment Report prepared by Ecological Australia and dated 25 June 2018.
- (a) An Asset Protection Zone of 10m is to be provided around the telecommunications mast and equipment shelter as identified in the Bushfire Protection Assessment Report.
 - (b) An Asset Protection Zone is to be implemented and maintained in a manner that it is free of surface/elevated fuels and contains minimum canopy cover.
 - (c) Construction material shall be able to withstand 40kW/m² of radiant heat and withstand ember penetration of the structure (ODU).
 - (d) External cabling to be underground where possible, or shielded, as outlined in Section 2.3 of the Bushfire Protection Assessment Report.
 - (e) Electricity shall be underground wherever practicable. Where overhead electrical transmission lines are installed:
 - No lines are to be installed with short pole spacing, unless crossing gullies, and
 - No part of a tree shall be closer to a powerline than the distance specified in the *ISSC 3 Guide for the Management of Vegetation in the Vicinity of Electricity Assets* (ISSC 2016).

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Principle Certifying Authority. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
- a) Hours of work;
 - b) Contact details of site manager;
 - c) Traffic and pedestrian management;
 - d) Noise and vibration management;
 - e) Construction waste management;
 - f) Erosion and sediment control; and,
 - g) Flora and fauna management.

[PCC0125]

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

[PCC0865]

9. The Structural elements of the telecommunications facility are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. [PCC0945]
10. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". [PCC1155]
11. Prior to issue of a Construction Certificate the Arboricultural Impact Assessment dated 24 June 2018 prepared by Independent Arboricultural Services is to be amended and submitted for the approval of Council's General Manager or his delegate showing the following:
- (a) Alignment of tree protection fencing in accordance with Australian Standard AS4970:2009 Protection of trees on development sites.
 - (b) An amended plan of proposed areas of low pressure water excavation (as shown on Page 8 of the report) for any underground services, earth electrode and associated conductor cable installation within the Tree Protection Zone.
- The Construction Certificate shall not be issued until the approval of the General Manager or his delegate has been issued. [PCCNS01]
12. Prior to issue of a Construction Certificate final engineering drawings shall be submitted for the approval of the General Manager or his delegate demonstrating the following:
- (a) No above or underground structures or services within the Structural Root Zone of Tree 820 (*Eucalyptus microcorys*) and 819 (*Lophostemon confertus*)
 - (b) Minimal encroachment of underground services within the Tree Protection Zone of Tree 820.
 - (c) That earthworks are to be minimised to avoid unnecessary soil disturbance within Tree Protection Zones to be retained and protected. [PCCNS02]
13. Prior to the issue of a Construction Certificate, the applicant should submit a schedule of finishes and colours for the telecommunications mast and the equipment shelter to the General Manager or his delegate for approval. The colour scheme shall be such that the colour and reflectivity shall be no more than 2 degrees/10% contrast of hues and tones of the surrounding background with particular regard to the backdrop when viewed from the Tweed Regional Art Gallery Observation Deck. The 256 grayscale chart in the *NSW Government, Department of Planning and Environment, 2015. Wind Energy: Visual Assessment Bulletin AB01 for State Significant Wind Energy* shall be used as a reference to measure contrast.

PRIOR TO COMMENCEMENT OF WORK

14. 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]

15. The erection of the structure and associated equipment in accordance with this 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, 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]

16. 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]

17. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

DURING CONSTRUCTION

18. The telecommunications facility and ancillary facilities are to be installed in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.

[DURNS02]

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

[DUR0005]

20. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

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

Monday to Saturday from 7.00am to 5.00pm
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]

22. 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]

23. 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]

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

[DUR0405]

25. 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]
26. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. [DUR0425]
27. 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]
28. 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]
29. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
30. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site. [DUR2185]
31. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. [DUR2205]
32. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environmental Protection Authority "Waste Classification Guidelines". [DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.
[POC0005]
34. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
[POC0205]
35. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).
[POC0355]
36. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.
[POC1055]
37. Prior to the issue of an Occupation Certificate or immediately prior to the commissioning of telecommunication facility whichever occurs first, the nominated Project Arborist shall provide to Council's General Manager or delegate a certification report that includes the following information:
- (a) Confirmation that all works have been undertaken in accordance with Australian Standard *AS4970 - 2009 Protection of trees on development sites*, industry best standards, the approved Arboricultural Impact Assessment Dated 24 June 2018 prepared by Independent Arboricultural Services and details of any remedial actions recommended by the Project Arborist to avoid/minimise disturbance of existing vegetation.
 - (b) A brief assessment of the condition of the trees, details of any deviations from approved essential tree protection management actions/measures and if applicable evaluation of any remedial actions undertaken to mitigate impact on existing vegetation as a result of project works.

[POCNS01]

USE

38. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
[USE0125]
39. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

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

[USE0225]

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

[USE0875]

42. In the event that the telecommunications facility is no longer required or the equipment becomes obsolete, it is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.

[USENS01]

43. The installation of the communications infrastructure must be in compliance with the following:

(a) ARPANSA, Australian Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency fields - 3khz to 300GHz, in Radiation Protection Standard RPS3 2002, ARPANSA ; Australian, clause 5.7, pages 28-29, as amended from time to time: and

(b) The Australian Communication Industry Forum Code 'ACIF' C564:2004 (December 2004).

[USENS02]

44. The applicant is to provide certification to the General Manager or his delegate of the operation of the telecommunications facility in accordance with the approved electromagnetic energy (EME) levels within thirty (30) days after the operation of the tower, and again at a twelve month interval.

[USENS03]

45. The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment.

[USENS04]

The Motion was **Carried**

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

21 [PR-CM] Rural Land Strategy for Adoption

509

Cr J Owen
Cr P Allsop

PROPOSED that:

1. The Draft Rural Land Strategy (“Tweed Rural Land Strategy 2018-2036”) as attached to this report be adopted;
2. An implementation plan (“Implementation Plan 2018/36”) be prepared and reported on annually;
3. Public notice of the Council’s decision to adopt the *Tweed Rural Land Strategy 2036* and preparation and annual reporting of the *Implementation Plan 2018/36* is published in the Tweed Link; and
4. A copy of *Tweed Rural Land Strategy 2036* is made available to the Director-General of the Department of Planning and Environment or their delegate for endorsement in accordance with Section 9.1 (Ministerial Direction 1.2) of the *Environmental Planning and Assessment Act 1979*.

SUSPENSION OF STANDING ORDERS

510

**Cr K Milne
Cr C Cherry**

RESOLVED that Standing Orders be suspended to hold further discussions on actions contained within the Rural Land Strategy.

The Motion was **Carried**

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

Cr J Owen temporarily left the meeting at 06:34 PM.
Cr J Owen has returned from temporary absence at 06:36 PM

Cr P Allsop temporarily left the meeting at 06:36 PM.
Cr P Allsop has returned from temporary absence at 06:38 PM

Cr W Polglase temporarily left the meeting at 06:39 PM.
Cr W Polglase has returned from temporary absence at 06:59 PM

RESUMPTION OF STANDING ORDERS

511

**Cr K Milne
Cr P Allsop**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE – Unanimous

AMENDMENT 1

512

**Cr K Milne
Cr C Cherry**

RESOLVED that this item be deferred for consideration at the next Council meeting on 15 November 2018.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 512 refers)

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

SUSPENSION OF STANDING ORDERS

513

**Cr K Milne
Cr J Owen**

RESOLVED that Standing Orders be suspended to deal with Late Item 52 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

514

**Cr K Milne
Cr C Cherry**

RESOLVED that Item 52 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

52 LATE [PCG-CM] Audit, Risk and Improvement Committee Report for year ended 30 June 2018

515

**Cr J Owen
Cr P Allsop**

RESOLVED that Council receives and notes the Audit, Risk and Improvement Committee Annual Report highlighting its activities for the financial year ended 30 June 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

RESUMPTION OF STANDING ORDERS

516

**Cr J Owen
Cr P Allsop**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.15pm.

RESUMPTION OF MEETING

The Meeting resumed at 8.00pm

SUSPENSION OF STANDING ORDERS

517

**Cr K Milne
Cr P Allsop**

RESOLVED that Standing Orders be suspended to deal with Item 19 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

- 19 [PR-CM] Development Application DA18/0073 for a Truck Depot, Plant Nursery, Rural/Landscaping Material Supplies, Office and Alterations and Additions to Existing Dwelling at Lot 1 DP 1091576; No. 188 Tweed Coast Road Chinderah**

518

**Cr P Allsop
Cr R Byrnes**

RESOLVED that Development Application DA18/0073 for a truck depot, plant nursery, rural/landscaping material supplies, office and alterations and additions to existing dwelling at Lot 1 DP 1091576; No. 188 Tweed Coast Road Chinderah be approved subject to the following conditions:

GENERAL

- The development shall be completed in accordance with the Statement of Environmental Effects and Plans listed in the below table, except where varied by the conditions of this consent.

| Plan title | Plan No. | Project No. | Drawn by | Dated | Issue |
|---------------------------------|-----------------|--------------------|---------------------------|--------------|--------------|
| Locality Plan | 01 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Proposed Site Plan | 02 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Existing residence floor plans | 03 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Existing residence elevations | 04 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Shed plan | 05 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Shed elevations 1 and 2 | 06 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Shed Elevations 3 and 4 | 07 | 17035 | Story Design and Drafting | 19/06/2018 | E |
| Landscaping Bays and Carparking | 08 | 17035 | Story Design and Drafting | 19/06/2018 | E |

[GEN0005]

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

[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]
4. 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 the road reserve. 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. Any application under Section 138 must include details to vegetation removal.

[GEN0245]
5. The roadworks are to be carried out in accordance with Council's Development Design and Construction Specifications.

[GEN0265]
6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]
7. To ensure that the building is provided with a satisfactory level of fire safety the following works are required:
 - i) Smoke alarms shall be installed in the ground floor (class 6 portion) and first floor (class 4 portion) of the building (raised former dwelling) in accordance with Part E of the NCC - BCA 2016. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to the nominated PCA prior to the issue of an occupation certificate.
 - ii) The ground floor (class 6 portion) and first floor (class 4 portion) of the building (raised former dwelling) are to be fire separated in accordance with Part C of NCC-BCA 2016.
 - iii) The ground floor load bearing internal walls are to be upgraded where necessary to achieve the Fire resistance level as required by Specification C1.1 of the NCC-BCA 2016.

[GENNS01]
8. The applicant shall not remove, damage or disturb native vegetation unless otherwise approved by Council's General Manager or delegate.

[GENNS02]
9. The entire 8031.66 square metre 'Rehabilitation Zone' as shown on Figure 6 Designated Regeneration Zones in *Habitat Restoration Plan 188 Tweed Coast Road Chinderah dated June 2018 prepared by Planit Consulting Pty Ltd* shall be described as the 'Conservation Area' for the purposes of this consent, to be protected and managed for conservation purposes in perpetuity.

[GENNS02]

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10. The Conservation Area shall be subject to a habitat restoration program in accordance with a site based Habitat Restoration Plan approved by Council. [GENNS02]
 11. Provision of a sealed industrial standard access in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1 " Design Specification, extending a minimum of 3.0m inside the subject property. [GENNS03]
 12. Provision of a short Channelised right Turn (CHR(S) and short Auxiliary Left Turn (AUL(S)) on Tweed Coast Road, generally in accordance with Appendix B in the Traffic Impact Assessment dated 07/12/2017 compiled by Bitzios Consulting and complying with the Austroads and RMS Guides to Road Design. [GENNS03]
 13. This consent grants approval for use of the "existing metal shed" for storage of machinery (including minor/routine maintenance (oil changes etc)) to be utilised in the landscape supplies area and nursery. No heavy mechanical work is permitted onsite. [GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

14. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 (as amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 development consent No. DA05/1416 dated 20/02/2006 and development consent DA08/1000 dated 01/05/2009 shall be surrendered by lodgement of the prescribed information suitably executed, PRIOR to the issue of a Construction Certificate. [PCC0005]
15. The developer shall provide 25 car parking spaces including parking for the disabled (as required) and 12 truck bays in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code and AS2890 [PCC0065]
16. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:
85.3066 Trips @ \$1283 per Trips \$65,668.80

(\$1,137 base rate + \$146 indexation)

(\$43,779.20 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector6_4

- (b) Extensions to Council Administration Offices
& Technical Support Facilities

0.216689 ET @ \$2187.14 per ET

\$473.93

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

[PCC0215]

17. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 0.3166 ET @ \$13,632 = \$4,315.90

Sewer: Nil

[PCC0265]

18. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Occupation Certificate is issued.

[PCC0275]

19. In accordance with Section 4.68 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

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

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

[PCC0485]

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

[PCC0865]

22. The proponent shall submit plans and specifications with an application for construction certificate for the following road works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

ROADWORKS

- (a) Construction of an intersection layout for the proposed access in accordance with "Austroads Guide to Road Design" (current version), including Part 4A - "Unsignalised and Signalised Intersections", giving particular attention to sight distance.

The roadworks are to be based on Bitzios Consulting drawing titled 'Initial access concept layout' dated 22 November 2017 version A. The plans are to be prepared by a qualified practicing civil engineer.

[PCC0875]

23. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
(b) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/furnishings
 - sedimentation and erosion management plans

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

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

- a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Annexure B of Councils *Development Design Specification D7 - Stormwater Quality*.
- b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*.
- c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- d) Specific Requirements to be detailed within the Construction Certificate or Section 68 stormwater application include:
 - i. Detailed design plans (Construction Issue) of the proposed stormwater management devices, including basins shape, invert levels and levels across the whole development in accordance with Stormwater Management Plan report, Version 1 submitted by Planit, dated 13/09/2018.
 - ii. Details of groundwater table location within the plans and interaction with bio-basin devices.
 - iii. Reference in the plans to Bioretention Maintenance Plan prepared by Planit, submitted to Council as a response to further information on 11/09/2018.
 - iv. Detailed Erosion and Sediment Control plans including staging of construction of Bioretention basins and/or sediment trapping raingardens.

[PCC1105]

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

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

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

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

[PCC1145]

26. Erosion and Sediment Control shall be provided in accordance with the following:

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

[PCC1155]

27. The peak stormwater flow rate that may be discharged from the site, in events of intensity up to the ARI 100 year design storm, shall be less than pre-development flow rates as per the Stormwater Management Plan report, Version 1 submitted by Planit, dated 13/09/2018. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage.

[PCC1165]

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

[PCC1195]

29. Prior to the issue of a construction certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the On-site Sewage Management Assessment for Proposed Nursery, Landscaping Supplies and Truck Depot Office for 188 Tweed Coast Road, Chinderah NSW 2487 prepared by HMC Environmental Consulting Pty Ltd dated April 2018 (Report NO: HMC2018.073) including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[PCC1285]

30. Prior to the release of the construction certificate details demonstrating compliance with the requirements listed below are to be submitted to and approved by the nominated PCA;

- i) Smoke alarms shall be installed in the ground floor (class 6 portion) and first floor (class 4 portion) of the building (raised former dwelling) in accordance with Part E of the NCC - BCA 2016.
- ii) The ground floor (class 6 portion) and first floor (class 4 portion) of the building (raised former dwelling) are to be fire separated in accordance with Part C of NCC-BCA 2016.
- iii) The ground floor load bearing internal walls are to be upgraded where necessary to achieve the Fire resistance level as required by Specification C1.1 of the NCC-BCA 2016.

[PCCNS01]

31. A detailed plan of any vegetation clearing required to achieve acceptable lines of sight, within the Tweed Coast Road Reserve is to be submitted and approved by Councils General Manager or delegate prior to the issue of a Construction Certificate. An Arborist with a minimum Australian Qualification Framework (AQF) Level 5 in Arboriculture is required to be onsite during any vegetation removal within the Tweed Coast Road Reserve.

[PCCNS01]

32. The applicant shall amend the Habitat Restoration Plan (HRP) 188 Tweed Coast Road Chinderah dated June 2018 prepared by Planit Consulting Pty Ltd as follows:
- a. Include a revised schedule of timing and program of works based on the following management phases:
 - i. Establishment Phase - Minimum of six (6) months
 - ii. Maintenance Phase - Minimum of five (5) years
 - b. Include specific details of primary establishment phase works to include all planting (including minimum 12 week post planting maintenance period), treatment of all environmental weeds, the installation of all fencing/bollards, baseline monitoring and reporting.
 - c. Provide details of permanent fauna friendly fencing around the perimeter of the habitat restoration area or alternative barrier (i.e. bollards) to restrict inappropriate access.
 - d. Include additional shrub and understory species within the planting schedule of minimum five (5) species per habit to improve structure and diversity of the planting module within the Reconstruction/Revegetation zone. Species shall be diagnostic of a Swamp sclerophyll forest and/or Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions - Endangered Ecological Community. Plant density shall achieve one (1) native plant per square metre within this zone.

The amended HRP shall be submitted and approved by Council prior to issue of the first of any construction certificate or prior to commencement of any works onsite whichever occurs first.

[PCCNS02]

33. Stormwater infrastructure shall be designed in a manner that minimises encroachment within the Conservation Area.

[PCCNS02]

34. The boundary of the Conservation Area and alignment of tree protection fencing along that boundary shall be shown on all relevant civil engineering plans. Tree protection fencing shall be of specifications generally in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites* unless otherwise approved by Council's General Manager or delegate.

[PCCNS02]

35. Prior to the issue of a construction certificate the Applicant shall obtain a building information certificate from Council for existing structure nominated as "metal shed" on the submitted plans. The application for building certificate shall be lodged with council within 30 days of receiving this consent accompanied by the following information:
- a) A report prepared by a certified Structural Engineer, detailing the structural adequacy of the building.

[PCCNS02]

36. The existing dwelling within the subject site is proposed to have some additions to accommodate the nursery retail. The dwelling floor would have to be raised to the minimum habitable floor level of 3.8m AHD. This level is to be shown at detailed design / construction certificate stage of the development.

[PCCNS03]

37. The Stormwater Management Plan report, Version 1 submitted by Planit, dated 13/09/2018 proposes minimal earthworks for the site with excavation depths of no more than 1m and minor potential filling of the site. Council's DCP A3 states that commercial lots in this vicinity may be filled to a maximum height of 2.2m AHD. If at detailed design/construction certificate stage, filling of the commercial lot is proposed, the maximum level of the filling has to comply with Council's DCP A3.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

38. 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]

39. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved Management Plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

40. 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]

41. 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]

42. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to

which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

43. 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]

44. 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]

45. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:

- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building / property from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
- (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

46. Road works in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the Consent Authority, or
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority,
 - (ii) has appointed a Certifying Engineer to certify the compliance of the completed works.
The Certifying Engineer shall be a Professional Engineer (Civil) with National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating currency of the above accreditation, and
 - (iii) has notified the Consent Authority of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer and Community Liaison Officer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the roadworks.
[PCW0815]
47. The Proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the Defects Liability Period for the Subdivision works.
[PCW0835]
48. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.
[PCW0985]
49. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note: All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.
[PCW1005]
50. A Community Liaison Officer is to be nominated prior to the commencement of works. The community officer's details and contact number are to be displayed on the project sign at the works. The Officer is expected to communicate and address any complaints from the public in a professional and timely manner.
[PCWNS01]
51. Tree protection fencing shall be installed in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites* and approved civil engineering plans around the boundary of the Conservation Area prior to commencement of works on site.
-

[PCWNS02]

52. Prior to commencement of work the applicant must provide evidence of a contractual agreement made between the applicant and an ecological restoration contractor (Minimum Certificate IV in Conservation and Land Management) to implement and complete all establishment and maintenance phase works specified in the approved Habitat Restoration Plan.

[PCWNS02]

DURING CONSTRUCTION

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

[DUR0005]

54. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

56. 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]

57. 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]

58. 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]
59. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.
[DUR0405]
60. 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]
61. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
62. 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]
63. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his delegate.
[DUR0985]
64. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.
[DUR0995]
65. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
66. 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]
67. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.
[DUR1075]

68. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be:

- (a) Roofed;
- (b) Provided with a sealed floor; and

Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-liaible and shall be provided with pump out facilities.

[DUR1635]

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

[DUR1685]

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

[DUR1695]

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

[DUR1705]

72. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

73. 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]

74. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing (including trenches for services) has been completed in accordance with Table 8.1 of AS 3798-2007.

[DUR1805]

75. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.
- [DUR1825]
76. 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. Should any restoration works be deemed unsatisfactory and require further work by Council, then it is expected that the applicant will reimburse Council the costs of such works.
- [DUR1875]
77. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (i) Off Maintenance inspection

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

78. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.
- [DUR2015]
79. 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]

80. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

81. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[DUR2205]

82. 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]

83. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

84. 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]

85. 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]

86. 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]

87. 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]

88. 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]

89. 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]

90. Any vegetation removal undertaken within The Tweed Coast Road Reserve, shall be carried out in accordance with the approved vegetation removal plans for the Tweed Coast Road Reserve.

[DURNS01]

91. Following completion of vegetation removal/trimming within the Tweed Coast Road Reserve the work area is to be restored level with the surrounding verge area after the works

[DURNS01]

92. In the event that any threatened species, populations, ecological communities or their habitats not addressed as part of the development application are discovered/encountered during operations appropriate Plans of Management for those species must be prepared to the satisfaction of the General Manager or delegate and/or if required the NSW Department of Environment and Heritage. No further site clearing will take place until any respective Plan(s) of Management is/are approved.

[DURNS01]

93. Tree protection fencing shall remain in place for the duration of the construction phase unless otherwise approved by Council's General Manager or delegate.

[DURNS01]

94. Works shall be undertaken in accordance with the approved Habitat Restoration Plan

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

95. Prior to any use or occupation of the buildings, 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]

96. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

97. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

98. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

99. 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]

100. Upon completion of the road works, Work as Executed plans are to be provided to Council in accordance with Councils Development Design Specification D13.

The plans are to be endorsed by a Registered Surveyor OR Consulting Engineer certifying that the plans accurately reflect the work as executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

[POC0765]

101. 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.

[POC0865]

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

[POC0985]

103. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

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

[POC1045]

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

[POC1055]

106. At a minimum, all establishment phase habitat restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to the issue of the first of any occupation certificate or commencement of use of the development whichever occurs first. The habitat restoration works shall be maintained at all times to the satisfaction of the Council's General Manager or delegate.

[POCNS01]

107. Prior to any use or occupation of the buildings 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 - road works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date of issue of the final Occupation Certificate.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POCNS01]

108. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to any use or occupation of the buildings. Any work carried out by Council to remove material from the roadway will be at the Developers expense.

[POCNS02]

109. Prior to any use or occupation of the buildings, the applicant must also apply to Council for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

(a) Roadworks

Note:

All compliance certificate applications for the roadworks must be accompanied by documentary evidence from the developers Certifying Engineer, certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

[POCNS03]

110. The six (6) months Defects Liability Period commences upon approval of the Occupation Certificate or use of the development (including interim).

[POCNS04]

USE

111. 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]

112. 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]

113. Hours of operation are restricted to the following hours:

Trucks:

- * 7.00am to 4.30pm - Mondays to Fridays.
- * No movements on Saturdays, Sundays, or Public Holidays.

Other commercial activities:

- * 7.00am to 5.00pm - Mondays to Fridays.
- * 7.00am to 2.00pm - Saturdays.
- * No operations are to be carried out on Sundays or Public Holidays.

All deliveries and pickups relating to the operations are to occur within the approved hours.

[USE0185]

114. 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]

115. 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]

116. The development shall be carried out in accordance with the provisions of the Site Management Plan for 188 Tweed Coast Road, Chinderah prepared by Planit Consulting Pty Ltd dated October 2018 (Issue C) except where varied by Council's General Manager or delegate or conditions of consent.

[USE0305]

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

[USE0525]

118. With the exception of grease and oil changes and general cleaning, no mechanical repair work or maintenance of vehicles shall be carried out at the site without the prior approval of Council's General Manager or delegate.

[USE0855]

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

[USE0875]

120. All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW and Council's General Manager or delegate.

[USE1035]

121. The following activities are not permitted within the Conservation Area for the life of the development unless otherwise approved by Council's General Manager or delegate

- i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent
- ii. Erection of any fixtures or improvements, including buildings or structures
- iii. Construction of any trails or paths;
- iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area
- v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the conservation area; and
- vi. Performance of any other acts which may have detrimental impact on the values of the conservation area.

[USENS01]

122. Habitat restoration works shall be carried out in accordance with the approved Habitat Restoration Plan.

[USENS01]

123. The conservation area shall be afforded adequate protection for the life of the development.

[USENS01]

124. The exportation or importation of waste (fill or spoil) from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997, the NSW Environmental Protection Authority (EPA) "Waste Classification Guidelines", and any requirements of NSW EPA.

[USENS01]

125. Upon receipt of an air pollution/dust complaint that Council deems to be reasonable, the operator/owner is to submit to Council an Environmental Impact Study (EIS) carried out by a suitably qualified and practicing environmental consultant. The EIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for air pollution/dust attenuation. The operator/owner is to implement the recommendations of the EIS within a timeframe specified by Council's authorised officer.

[USENS02]

126. The truck depot is restricted to a maximum of 12 trucks.

[USENS03]

AMENDMENT 1

519

**Cr K Milne
Cr R Cooper**

PROPOSED this item be deferred to the Planning Committee Meeting on 1 November 2018 to obtain further information into traffic matters associated with this application.

Amendment 1 was **Lost**

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

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

The Motion was **Carried** (Minute No 518 refers)

FOR VOTE - Cr R Byrnes, Cr R Cooper, Cr J Owen, Cr W Polglase, Cr P Allsop

AGAINST VOTE - Cr C Cherry, Cr K Milne

RESUMPTION OF STANDING ORDERS

520

**Cr K Milne
Cr R Byrnes**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

7 [NOM] Intergovernmental Panel on Climate Change (IPCC) 2018 Report

521

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council:

1. Notes the release of the new Intergovernmental Panel on Climate Change (IPCC) 2018 report.
2. Reaffirms its commitment to action on climate change as an urgent and high priority.
3. Brings back a report on Darebin Council's Climate Emergency Plan in regard to the merit of adopting a similar strategy.

The Motion was **Carried**

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

8 [NOM] Rail Trail - Meeting with Adjacent Land Owners

522

**Cr K Milne
Cr C Cherry**

PROPOSED that Council invites the landowners adjacent to the proposed rail trail to a Workshop to advise of the latest progress on the project and to hear their concerns.

AMENDMENT 1

523

**Cr R Byrnes
Cr P Allsop**

RESOLVED that this Motion be deferred to the Council meeting on 15 November 2018 for consideration after a Workshop on this item scheduled on 1 November 2018.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 523 refers)

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

AGAINST VOTE - Cr J Owen

9 [NOM] Planning Design Guidelines

524

Cr K Milne

Cr R Byrnes

RESOLVED that Council adopt the NSW State Government's North Coast Urban Design Guidelines and NSW Coastal Design Guidelines as guiding documents to further assist Council in achieving great planning outcomes.

Cr C Cherry temporarily left the meeting at 08:41 PM.

Cr C Cherry has returned from temporary absence at 08:42 PM

The Motion was **Carried**

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

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

10 [NOM] Busking

525

Cr K Milne

Cr R Byrnes

RESOLVED that Council develops an action plan to better support and promote musicians through busking, including but not limited to:

- a) establishing a register of local musicians;
- b) financial support;
- c) identifying / designing appropriate spaces; and
- d) promotion.

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

11 [QON-Cr P Allsop] Processing of Development Applications

QUESTION ON NOTICE:

Councillor P Allsop asked:

1. Could the General Manager please provide the current number of applications awaiting approval from the Council's Development Assessment section, to also include the number of planning staff:
 - a). currently actively processing applications?
 - b) Council has in their employment?
2. What are the five oldest applications currently awaiting approval and why?

It would be appreciated if the General Manager could advise through observations and facts what would bring internal restrictions to processing and performance, but not including those occasions caused by the proponents. As well as providing considerations that could improve facilitation of development application processing.

The reason for these questions is that there is currently a shortage of approved development land and approved building lots available. Speculatively speaking this is pushing up market prices and effectively troubling some trades and builders in regards to the long term employment of trade and apprentice workers.

In response the Director Planning and Regulation advised as follows:

1. As of 12 October 2018, the current total of Development Applications yet to be determined was 243.

The number of staff employed by Council is:

Development Assessment Unit

1 x Manager Development Assessment
2 x Team Leaders
7 x DA Planners

Building Unit

2 x DA Planners

It should also be noted that there is up to 30 other staff, both in the Planning and Regulation Division (Building Surveyors, Environmental Health Officers, Urban Designer, Development Engineers and Administrative officers) and other Divisions (Traffic, Stormwater, Water and Wastewater Engineers, Ecologists, Accessibility officers to name a few) who all play an important role in the technical assessment and processing of DAs.

2. The oldest applications currently awaiting approval are as follows:

| ID Primary Address Details | Date Rec'd | Key Reasons for Delays | Delayed Days | Utilised Days | Total Days | Estimated Cost |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|---------------|-------------------|
| DA15/0201 40 Creek Street, HASTINGS POINT NSW 2489 17 lot community title subdivision - including 16 residential lots and 1 balance lot which is to become association property containing the roadway, services and environmental land | 27/03/15 | A very complicated subdivision which was originally challenged in the NSW Land & Court which left DA15/0201 undetermined. Rather than determining DA15/0201 the applicant is pursuing DA17/0102 which is at a stage where a revised subdivision layout is being tested against the cumulative flood model. If such layout can be accommodated the applicant will need to lodge amended plans which will again require re-exhibition and final assessment. Council staff are still working with the applicant on the proposed lot layout. | 1208 | 27 | 1235 | 570,000.00 |
| DA16/0660 298 Dungay Creek Road, DUNGAY NSW 2484 Water extraction facility | 01/09/16 | The processing of this application has followed a similar path of DA16/0936 (Rowland Creek Water Extraction). On the basis of various Council deferrals of DA16/0936, the applicant of DA16/0660 has been requested by Council staff for additional information, most notably hydrogeological report. A report to Council is expected to be submitted in November. | 697 | 14 | 711 | 30,000.00 |
| DA17/0102 40 Creek Street, HASTINGS POINT NSW 2489 17 lot community title subdivision (16 residential lots | 01/03/17 | Please refer to DA15/0201. | 0 | 530 | 530 | 570,000.00 |

| ID Primary Address Details | Date Rec'd | Key Reasons for Delays | Delayed Days | Utilised Days | Total Days | Estimated Cost |
|--------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|---------------|-------------------|
| and 1 community lot) | | | | | | |
| DA17/0238 1 Wollemi Place, TWEED HEADS WEST NSW 2485 Use of site as car park | 24/04/17 | This application has been delayed as the site has a long and complicated history which includes unauthorised uses. Council sought clarification on current uses of the site and the associated traffic generation as RMS were concerned with traffic affecting access to the M1. The applicant has been slow to reply to additional information and as it is a compliance matter refusing the application does not resolve the initial concerns. Council will continue to try to negotiate a lawful way forward for the site | 280 | 196 | 476 | 1,500.00 |
| DA17/0547 9 Cabarita Road, BOGANGAR NSW 2488 Play equipment | 17/08/17 | This application for play equipment associated with a church raised issues with vegetation removal and acoustic assessment provisions. A further information letter was sent and the applicant has delayed responding. The applicant has advised that the requested additional information will be forthcoming shortly. | 17 | 343 | 361 | 10,000.00 |

In order to fairly appraise the performance and accountability of Council's internal processing systems, it is firstly important to acknowledge that, like other NSW Councils, Tweed Council staff are greatly controlled and influenced by State legislation and the prevailing input of the elected Council, the Northern Regional Planning Panel, the NSW Land and Environment Court for a certain proportion of its applications. This legislation and higher approval authorities set some very complex and challenging legal, procedural and probity standards of development assessment.

Continuing that context of fairness, I also encourage Councillors to compare our Council's recent performance relative to other similar sized, regional growth councils. In that regard, we were very proud to recently publicise Council's performance for the 2017/18 period.

As part of a media release on these results, the following factors were highlighted:

"Determination times for development applications (DAs) at Tweed Shire Council dropped markedly in 2017/18, despite an increase in numbers of applications and other complicating factors.

The NSW State Government requires annual performance reporting (financial year) for all Councils on their determination times for the full range of development and certification applications.

Last financial year, Council achieved a substantial reduction in the determination times of its main applications, as compared against the 2016/17 results, and as measured against State averages.

In 2017/18, 1,028 DAs were determined from the 1,040 received. This compares to 872 DAs determined in 2016/17, with 858 received.

DA determination times have improved year on year, with a DA in 2017/18 taking an average of 58 days to determine, compared to 69 days the previous year. This compares well to the State average of 71 days to determine a DA.

The average determination time for single dwelling DAs (including house additions) was 37 days, well within the NSW Premier's Priority performance goal for faster housing approvals (90% of housing approvals within 40 days).

Council's Director Planning and Regulation, Vince Connell, said the results were particularly pleasing given a particularly busy and complicated year for Council's planners.

"The results show a major reduction in application turnaround times, despite the fact we received and determined about 150 more development applications compared to 2016/17," Mr Connell said.

"NSW Councils have also had to adapt its planning systems to a constant roll out of major reforms to the NSW Planning system over the last 12 months, including the commencement of a modified Planning Act, new biodiversity and coastal planning legislation, and emerging Aboriginal Cultural Heritage policy and legislation. Locally, we were also contending with additional staff resourcing demands of an unprecedented number of Land and Environment Court appeals and compliance actions."

To put those results in further context, in 2008/09 the average times for DA determinations were around 110 days (one of the worst performing councils in the state), as compared to our most recent 2017/2018 performance of 58 days.

The main factors contributing to the improved processing times over this 10 year period were: the successful implementation of new electronic lodgement systems; effective monitoring of internal referral between different technical Units of Council; the re-organisation of key administrative functions; a continuing focus on thorough and accurate pre-lodgement advice and checking by Technical Officers; and the appointment of two full-time town planners to assess Building Unit DAs (new single dwellings and additions).

Regardless of the above results, Council staff have always recognised the imperative of continuous improvement, and an internal working group (Including the Director of Planning and Regulation and Managers of Development Assessment and Building) has been meeting every Tuesday over the last 10 years to examine to problem solve and strive for new opportunities of process improvement.

I am also pleased to report that Council's Development and Building Assessment Units have been key contributors to Tweed Council's joining of the NSW State Government's Easy to do Business program, which has a particular focus on providing high quality customer service assistance to small business in their set up, and expedient advancement of any required Council approvals.

In terms of the requested observations on how Council can further improve the efficiency of its approvals processes, some of the key suggested actions include:

The need for more pro-active education of the community and local businesses on the following:

- The importance and benefits of preparing good quality applications, as a means of reducing the costs and delays of Council staff sending out multiple Requests for Further Information, highlighting the available of assistance from Council's Technical Officers for the more basic pre-lodgement enquiries, through to the good value, paid Development Assessment Panel service for larger developments, which provides high quality advice from a range of planning and other disciplines.
- The availability of on line information and DA Tracking resources, through both web and mobile devices.
- As much as there is a highlight on the performance of Council staff, there also needs to be a commitment from applicants to provide timely responses to Requests for Further Information on applications.
- Clarify the prevailing confusion of the different approvals of Councils and Private Certifiers, in terms of different fees and actions required for Post DA certification and site construction management.
- General community education sessions on the NSW Planning System.

Council will also continue to expand and adapt its ePlanning or electronic assessment functions in line with the NSW Department of Planning's new enhanced Planning Portal, which is expected to result in residents and business owners gaining access to a wider range of mapping and data for their properties, and provide opportunities for Council to further reduce its application processing times.

12 [QON-Cr P Allsop] Community Consultation

QUESTION ON NOTICE:

Councillor P Allsop asked:

1. What were the costs for each of the Community Consultation meetings at Kingscliff Beach Bowls Club?
2. How many meetings in total and what was the total cost of this consultation process?

3. Did the consultation process reveal any significant new finding?
4. Will the findings or results have an impacts on any of Council's current strategies, if so what effects are there?

The Executive Manager Finance, Revenue and Information Technology responded to each question separately as follows:

1. It is advised as not all costs associated with the community consultation process were incurred on a session by session basis, it is not possible to provide costings per meeting.
2. There were 4 meetings held as part of the recent community consultation sessions with a total of 293 participants in attendance. Attendance at these meetings varied between 82 and 65 participants.

The overall cost for the 4 community consultation meetings at was \$20,910.56. It should be noted that this cost is not inclusive of staff time.

This expense consisted of the following component costs:

| | |
|------------------------------------------------------------|--------------------|
| Mail out: | \$1943.10 |
| Tweed Link Adverts: | \$1014.00 |
| Venue Hire (4 th September) | \$272.73 |
| Catering (4 th September) | \$3881.82 |
| Venue Hire (18 th September) | \$272.73 |
| Catering (18 th September) | \$2524.55 |
| Workshop facilitator (4 th & 18 th) | \$9104.00 |
| Printing | \$1545.45 |
| Brochure | \$318.18 |
| Vehicle Hire | \$34.00 |
| Total | \$20 910.56 |

3. Given the quantity of feedback/comments received, which included written submissions, it is too early to be able to determine whether any significant changes will be made to the Draft Kingscliff Locality Plan. It is anticipated that a report reviewing the submissions will be presented to Council in December 2018. This would typically include a response to comments received and identification of any subsequent actions or outcomes including changes to the plan.
4. A response to this question will need to await the outcome of the yet to be prepared submission report. However it does need to be acknowledged that the value of community consultation can be greater than the tangible process outcomes with consideration also needs to be given to the more intangible value to the community provided through having a voice in decision-making and becoming more informed on the rationale behind decisions as well as the diversity of views and community needs.

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

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

13 [QON-Cr K Milne] Comparison on Investment Returns

QUESTION ON NOTICE:

Councillor K Milne asked:

What is the average rate of return on investments for Council's current method of invested funds compared to an estimated average return through energy savings in the long term if invested in energy efficiencies or renewable energy?

The Executive Manager Finance, Revenue and Information Technology responded as follows:

Investments

Council's investments are made in accordance with the Minister for Local Governments Investment Order and the Tweed Shire Council Investment Policy.

The investment opportunities under the Local Government Investment Order were reduced substantially as a result of the Cole investment review during the global financial crisis.

Returns on investments can also vary markedly depending on the credit risk, investment duration and the local and global economic conditions.

Over the last 2 years Council has held investment products as high as 7.25% down to a low of 2.36% depending on the investment cycle. The weighted average investment returns over the 5 years has been from a high of 3.94% in 2014/15 to a low of 2.88% in 2017/18.

It is important to note that of Council's investments of \$316m at 30 June 2018, \$232m was externally restricted by unexpended loans and grants, security deposits, developer contributions, water and sewer funds, domestic waste management, Tweed Coast Holiday Parks and special rates. An additional \$87m was internally restricted mostly for employee leave entitlements, asset management reserves, non-domestic waste management, plant operations, carry over works and voluntary planning agreements.

Likewise, the investment revenue of \$9.4m in 2017/18 had \$7m externally and internally restricted with the remaining investment revenue used to fund works and services within the budget.

Council's Investment Policy, whilst maximising returns and preserving capital also sets out the Terms to Maturity Framework that stipulates the investment portfolio is to be invested within the following maturity constraints:-

- To provide adequate liquidity all tradeable securities purchased will have, subject to market conditions, the ability to be liquidated within five working days.
- The term to maturity of any of Council's investments may range from "at call" to five (5) years at final legal maturity.

| | |
|--------------------------|-------------------|
| Portfolio % <=1 year | 100% max; 40% min |
| Portfolio % >1< =3 years | 60% |
| Portfolio % >3<=5 years | 40% |

Percentage limits are based upon Council's average core portfolio balance

These constraints not only protect Council against a moving investment market but also provide the necessary liquidity so the funds are available when needed.

From a budget perspective any savings from alternative investment options would need to be returned to either the restricted funds or the budget. There are also risk factors associated with other forms of investment with the estimated savings not being realised and the loss of not only investment revenue but also the investment capital.

Energy efficiency and renewable energy

Whilst the question on notice has not specifically identified an energy efficient or renewable energy project, the following comments are made based on Council's previous experiences and adopted documents and estimates.

Street Lighting Upgrade

Council resolved in February 2011 to upgrade all of the non-energy efficient street lighting in the Tweed Shire to energy efficient lamps.

The upfront cost of this proposal to Council was \$248,484 with an estimated payback on energy and maintenance savings of \$273,913 per annum.

Unfortunately in this instance, no reduction of street lighting costs eventuated, no savings were generated and there was a loss in investment revenue and capital from the reserve that funded the street lighting upgrade.

Renewable Energy Action Plan

Council adopted the Renewable Energy Action Plan (REAP) in November 2017 which included a staged renewable electricity targets of:

- *25% of Council's electricity use self-generated from solar by 2022, compared to 2016/2017 use;*
- *50% of Council's electricity use self-generated from solar, incorporating storage, by 2025, compared to 2016/2017 use,*

The REAP estimates costs, savings and payback periods for investments in solar energy and more efficient lighting.

The payback period for Phase 1 projects ranges from 4.13 years to 6.85 years whilst Phase 2 projects range from 9.29 years up to 13.29 years

Phase 1 makes capital investments over 4 years of \$5,195,056 with a positive cash flow return (i.e. the capital being returned and available to Council) not being achieved until year 8. However the cumulative savings at year 8 (after the return of capital) are \$998,449 which would result in a return of 19%.

It should be noted that this return does not include maintenance or asset renewal of the solar/lighting equipment, which would have a negative effect, however the 2017 figures used

in the REAP are conservative by today's standards due to reduced equipment costs and higher prices for electricity. Where a specific project sits is largely dependent on the load profile of the site and the cost of electricity.

Council has included within the long term financial plan 11 of the 19 REAP Phase 1 projects to a total of \$1,551,739 – two of these projects along with a REAP progress update are listed elsewhere in this Council meeting agenda.

Whilst the estimated savings on the above mentioned projects look promising there is an element of uncertainty in the savings to be achieved, the cost of equipment renewals, the future price of electricity and investment returns.

It has been Council's adopted position to date to implement Phase 1 projects of the REAP, where funding allows, and to determine if the net savings are realised before progressing further with REAP projects.

REPORTS THROUGH THE GENERAL MANAGER

PROCEDURAL MOTIONS

526

Cr K Milne
Cr R Cooper

RESOLVED that the remaining items on the Agenda, with the exception of Item(s) 16, 22, 23, 35, 37, 38, 47 and 49 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

527

Cr K Milne
Cr R Cooper

RESOLVED that the remaining items on the Agenda, with the exception of Item(s) 16, 22, 23, 35, 37, 38, 47 and 49, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE GENERAL MANAGER

14 [GM-CM] Council Architect - Panel Member - Tweed State Significant Projects

528

Cr K Milne
Cr R Cooper

RESOLVED that Council nominates Paul Berkemeier of BTB Architecture Studio to the NSW State Design Review Panel for state significant projects in the Tweed.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [GM-CM] Regional Cities NSW

529

Cr K Milne
Cr R Cooper

RESOLVED that Council:

1. Joins Regional Cities NSW (RCNSW) with a formal review of Council's membership to take place within the first 24 months of the formal commencement of RCNSW, to ensure it is meeting its stated objectives.
2. Notes that a minimum of nine councils will be needed to establish RCNSW.
3. Allocates \$5,000 for membership of RCNSW from 1 January 2019 to 30 June 2019.
4. The annual membership fee of \$10,000 be included in Council's Long Term Financial Plan.
5. Any future requests for financial contributions over and above the annual membership fee to RCNSW to be reported to Council for further consideration.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [GM-CM] Draft Events Sponsorship Policy, Version 3.1

ALTERNATE MOTION

530

**Cr K Milne
Cr C Cherry**

RESOLVED that Council adopts the Events Sponsorship Policy, Version 3.1 with the inclusion of the wording in the assessment criteria on page 9 of the report attachment:

“9. A description of the sustainable practices for the event, e.g. practices that minimise the impact on the local environment, including waste minimisation and disposal”

The Motion was **Carried**

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

17 [GM-CM] Business Name - Licence

531

**Cr K Milne
Cr R Cooper**

RESOLVED that:

1. Council enters into a licence agreement with DR Tourism Pty Ltd (ABN: 87 619 651 857) to use the business name “The Tweed Tourism Company” for the term of the tender contract for Tourism Services (ED-RFT 01-2017).
2. Council executes all documents under the Common Seal of Council.
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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 18 [PR-CM] Development Application D94/0015.10 for an Amendment to Development Consent D94/0015, Development Application T4/2794.07 for an Amendment to Development Consent T4/2794 and Development Application PN1074.10 for an Amendment to Development Consent PN1074.10 Where all Three (3) Development Consents Relate to Additions to Existing Caravan Park at Lot 11 DP 1206666; No. 2 Barneys Point Road Banora Point

This item was dealt with earlier in the meeting (Minute No 507 refers).

- 19 [PR-CM] Development Application DA18/0073 for a Truck Depot, Plant Nursery, Rural/Landscaping Material Supplies, Office and Alterations and Additions to Existing Dwelling at Lot 1 DP 1091576; No. 188 Tweed Coast Road Chinderah

This item was dealt with earlier in the meeting (Minute No 508 refers).

- 20 [PR-CM] Development Application DA18/0082 for a Telecommunications Facility at Lot 6 DP 866255 No. 233 Byangum Road, Murwillumbah

This item was dealt with earlier in the meeting (Minute No 512 refers).

- 21 [PR-CM] Rural Land Strategy for Adoption

This item was dealt with earlier in the meeting (Minute No 512 refers).

- 22 [PR-CM] Draft Tweed Shire Council Animal Pound - Rehoming and Minimising Euthanasia Policy

ALTERNATE MOTION

532

Cr K Milne
Cr C Cherry

RESOLVED that this item be deferred for consideration at the Council meeting on 15 November 2018.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

23 [CNR-CM] Arts Northern Rivers and Cultural Planning

ALTERNATE MOTION

533

Cr K Milne
Cr C Cherry

PROPOSED that this item be deferred for consideration at the Council meeting on 15 November 2018.

The Alternate Motion was **Lost**

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

534

Cr W Polglase
Cr J Owen

RESOLVED that Council:

1. Advises Arts Northern Rivers that Tweed Shire Council will withdraw from the Arts Northern Rivers Board effective from 1 January 2019 and the 2018-2019 budget (\$28,931) is allocated as follows:
 - a) \$14,465 to Arts Northern Rivers as a final contribution payment to 31 December 2018.
 - b) \$10,279 to provide an additional one day per week from 1 January 2019 for the Community Development Officer – Cultural Planning.
 - c) \$4,187 to prepare a Place-making and Public Art Grant Fund for a report back to Council prior to commencement in the 2019-2020 financial year.
2. The recurrent budget allocation of \$28,931 (2018/2019) for Arts Northern Rivers be reallocated from 2019/2020 onwards as follows:
 - a) \$20,558 (plus CPI) to permanently increase the budget allocation to employ the Community Development Officer - Cultural Planning for four days per week.

- b) Allocate \$8,373 on an annual recurrent basis for a grant fund commencing in July 2019 and administered according to the Place-making and Public Art Policy and procedures.

The Motion was **Carried**

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

24 [CNR-CM] Licence to Possums Community Preschool Association Inc

535

Cr K Milne
Cr R Cooper

RESOLVED that:

1. Council enters into a Licence Agreement with Possums Community Preschool Association Incorporated over the premises known as Condong Hall located on Lot 1 in DP 263998 20 McLeod Street, Condong for use Tuesday to Friday for a term of one year.
2. All necessary documents be signed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [CNR-CM] Offer of Financial Assistance for the Tweed Coast Coastal Management Program

536

Cr K Milne
Cr R Cooper

RESOLVED that Council:

1. Accepts financial assistance of \$100,000 from the NSW Government's Coastal and Estuary Grants Program to complete the Tweed Coast Coastal Management Program.
2. Votes the expenditure of this financial assistance.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CNR-CM] Acceptance of Environmental Trust Grants - Natural Resource Management Unit

537

**Cr K Milne
Cr R Cooper**

RESOLVED that Council accepts the following grant funds from the NSW Environmental Trust:

1. Conserving Cockatoos and Curlews on the Tweed Coast (2018/SL/0042) to the value of \$99,810.
2. Upper Tweed River Estuary – Riparian and Aquatic Habitat Rehabilitation (2018/SL/0043) to the value of \$96,780.
3. Small Farms Big Changes – Growing Positive Environmental Behaviours (2017/EG/0035) to the value of \$59,050.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [CNR-CM] Renewable Energy Action Plan - Progress Update

538

**Cr K Milne
Cr R Cooper**

RESOLVED that Council receives and notes the progress made to install renewable energy at Council facilities consistent with the Renewable Energy Action Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [CNR-CM] Report from Tweed Valley Wildlife Carers 2017-2018

539

**Cr K Milne
Cr R Cooper**

RESOLVED that Council receives and notes the Tweed Valley Wildlife Carers Annual Report 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [CNR-CM] RFO2018081 Design, Supply and Install PV System at Tweed Regional Aquatic Centre, Murwillumbah

540

**Cr K Milne
Cr R Cooper**

RESOLVED that in respect to Contract RFO2018081 Design, Supply and Install a PV Solar System at Tweed Regional Aquatic Centre, Murwillumbah:

1. Council awards the offer KAEFER Integrated Services Pty Ltd ABN 83 009 046 191 for the amount of \$183,982.50 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [CNR-CM] Public Toilets - South Tweed Industrial Area

541

**Cr K Milne
Cr R Cooper**

RESOLVED that the report on Public Toilets - South Tweed Industrial Area be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [CNR-CM] Report on Risk Assessment and Treatment Plan 2018 - Fingal Head - Coastal Public Safety Risk Assessment

542

**Cr K Milne
Cr R Cooper**

RESOLVED that Council:

1. Receives and notes the report on Risk Assessment and Treatment Plan 2018 - Fingal Head - Coastal Public Safety Risk Assessment and implements the recommendations as resources are available.
2. Undertakes to engage Australian CoastSafe to carry out a review of the 2013 Risk Assessment and Treatment Plan for the Tweed Local Government area.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

32 [E-CM] RFO2018069 - Design, Supply and Install Six Solar PV Systems and Water and Wastewater Unit Sites

543

**Cr K Milne
Cr R Cooper**

RESOLVED that in respect to Contract RFO2018069 Design, Supply and Install six Solar PV Systems at Water and Wastewater Unit Sites:

1. Council awards the offer Kaefer Integrated Services Pty Ltd ABN 83 009 046 191 for the amount of \$304,222.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [E-CM] RFO2018105 Road Pavement Stabilisation Program 2018-2019

544

**Cr K Milne
Cr R Cooper**

RESOLVED that in respect to Contract RFO2018105 Road Pavement Stabilisation Program 2018 – 2019:

1. Council awards the offer to Stabilised Pavements of Australia ABN 90 002 900 736 for the amount of \$1,456,187.50 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [E-CM] Natural Disaster Relief Assistance Grant Offer - South Murwillumbah Levee Repair

545

**Cr K Milne
Cr R Cooper**

RESOLVED that Council:

1. Accepts the offer of \$3,753,700 in Natural Disaster Relief and Recovery Arrangements funding from the New South Wales Government for the South Murwillumbah Flood Levee Repair project, and adjust the budget accordingly in the next Quarterly Budget Review.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [E-CM] Clarification on the Extent of Parking Contribution Waiver - Murwillumbah Central Business District / South Murwillumbah

546

**Cr R Byrnes
Cr P Allsop**

RESOLVED that the parking waiver, adopted by Council at its meeting of 5 July 2018, apply to Zones B3 and B4 of the Murwillumbah Central Business District as defined in the Local Environmental Plan and the section of Zone B5 in South Murwillumbah located south of Alma Street.

The Motion was **Carried**

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

36 [E-CM] Funding Offer under the Country Passenger Transport Infrastructure Grants Scheme

547

**Cr K Milne
Cr R Cooper**

RESOLVED that funding offered under the Country Passenger Transport Infrastructure Grants Scheme in the amount of \$62,000 be accepted and included in the next quarterly budget review.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [E-CM] Alteration of Locality Boundary between Chinderah and Kingscliff

Cr R Byrnes temporarily left the meeting at 09:32 PM.

Cr R Byrnes has returned from temporary absence at 09:33 PM

548

Cr P Allsop

Cr J Owen

RESOLVED that Council defers this item until the completion of further consultation and a report prepared to a future meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [E-CM] Variation of Restriction on Use - Lot 10 DP 1231670 - 23 Sea Eagle Court, Casuarina

549

Cr P Allsop

Cr R Byrnes

PROPOSED that Council:

1. Approves the Variation of Restriction on Use numbered 3 in DP1231670 affecting Lot 10 in DP1231670 by reducing the width of the restriction from 8 metres from the southern boundary of Lot 10 to a width of 6.72 metres from the southern boundary subject to the approval of the Rural Fire Service to the Variation.
2. Executes all necessary documentation under the Common Seal of Council.

AMENDMENT 1

550

**Cr K Milne
Cr R Cooper**

RESOLVED that this item be deferred.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 550 refers)

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

**39 [E-CM] Draft Policy - Reduction of Water Related Charges due to
Undetectable Leakage Policy v3.0**

551

**Cr K Milne
Cr R Cooper**

RESOLVED that Council adopts the revised Policy – Reduction of Water Related Charges due to Undetectable Leakage v3.0 – as amended following public exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [E-CM] Raising of Clarrie Hall Dam - Concept Design Report

552

**Cr K Milne
Cr R Cooper**

RESOLVED that Council note the Clarrie Hall Dam Raising Concept Design Report and Recommendations.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

41 [FRIT-CM] 2017/2018 Draft Statutory Financial Reports

553

Cr K Milne

Cr R Cooper

RESOLVED that:

1. In accordance with Section 413(1) of the Local Government Act 1993, Council refers the General Purpose Financial and Special Purpose Financial Reports for audit.
2. The statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413(2)(c) of the Local Government Act 1993 and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting for the financial period 2017/2018, be executed.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [FRIT-CM] Carry Over Works from 2017/18 to 2018/19 Budget

554

Cr K Milne

Cr R Cooper

RESOLVED that Council adopts the Carry Over Works from 2017/2018 and the expenditure and income, as detailed within the report, be applied to the 2018/2019 Budget.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [FRIT-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 September 2018

555

**Cr K Milne
Cr R Cooper**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 September 2018 totalling \$327,363,697 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

44 [PCG-CM] Local Government NSW - Request for Financial Assistance for Legal Costs

556

**Cr K Milne
Cr R Cooper**

RESOLVED that Council does not make a contribution to a request from Local Government NSW, for financial assistance for legal costs associated with the Appeal of Land and Environment Court decision incurred by the City of Sydney, Bayside City Council and North Sydney Council.

The Motion was **Carried**

FOR VOTE - Unanimous

45 [PCG-CM] Kingscliff Communications Tower

557

**Cr K Milne
Cr R Cooper**

RESOLVED that Council:

1. Approves the cleansing and reinstatement of the existing features, of the Kingscliff Communications Tower located within Crown Reserve 10001008, Faulks Park Kingscliff, which can be undertaken within current budget allocations.
-

2. Invites expressions of interest from community members for the future use of the Kingscliff Communications Tower located within Crown Reserve 10001008, Faulks Park Kingscliff. The invitation criteria is to:
 - a) Align with the existing permissible land uses and the Tweed Coast Regional Crown Reserve Plan of Management 2006,
 - b) Incorporate aspects of local community water safety and/or training, and
 - c) Address the financial implications of the proposal.
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

46 [PCG-CM] Pecuniary Interest Returns 2017/2018

558

**Cr K Milne
Cr R Cooper**

RESOLVED that the Pecuniary Interest Returns for the period 1 July 2017 to 30 June 2018 for Councillors and Designated Persons (Council Officers) as tabled, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

47 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 13 August 2018

ALTERNATE MOTION

559

Cr W Polglase
Cr P Allsop

RESOLVED that:

1. The Minutes of the Sports Advisory Committee Meeting held Monday 13 August 2018 be received.
2. Council requests the Committee to amend the minutes of 13 August 2018 to reflect resolution a recommendation which is adopted as follows:

10. Request for a Feasibility Study into an Upgrade/Development Stan Sercombe Field, Murwillumbah

a) *That the Committee requests:*

1. *Council support for the engagement of a consultant to undertake a feasibility study into to the upgrade of Stan Sercombe Field.*
2. *Terranora Tennis Club and Council to conduct a safety audit with local police to assess the security and required measures to help protect the community's assets.*
3. *Process and procedures need to be developed to ensure that all leased Council owned and managed sports facilities i.e. buildings are insured at market value.*
4. *Council to investigate seal options for the car park at Bilambil Sports Complex which is damaged in every flood event.*

b) *The Sports Advisory Committee have been encouraged to nominate an Australian Sports Person of the Year for the next Australia Day celebration.*

The Motion was **Carried**

FOR VOTE - Unanimous

48 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 August 2018

560

**Cr K Milne
Cr R Cooper**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 August 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

49 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 12 September 2018

ALTERNATE MOTION

561

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 12 September 2018 be received and noted.
2. The Executive Leadership Team's recommendations be adopted as follows:

A2. Mooball Creek Log Wall Replacement

That Council:

1. *Prior to preparation of a report on the retaining wall replacement undertakes further consultation with the Pottsville Community Association.*
2. *Calls for a report on options to replace the failing log retaining wall at Mooball Creek Pottsville, and with consideration of issues such as community preference and budget constraints, determine the best way to proceed with works in the area.*

The Motion was **Carried**

FOR VOTE - Unanimous

50 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 19 September 2018

562

**Cr K Milne
Cr R Cooper**

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 19 September 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

51 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 27 September 2018

563

**Cr K Milne
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 27 September 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Kingscliff Triathlon 31 March 2019

That the proposed Kingscliff Triathlon on Sunday 31 March 2019 be supported subject to standard conditions.

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Triathlon NSW and the Kingscliff Chamber of Commerce.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*

6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the event.*
11. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
15. *A Road Occupancy Licence be obtained from Roads & Maritime Services.*

A2 [LTC] Oyster Point Road, Banora Point

That double centrelines be installed on Oyster Point Road at the intersections with Anthony Avenue and Bione Avenue.

A3 [LTC] Norman Street, Tweed Heads

That a bus zone be installed on Norman Street, Tweed Heads 10m from Stanley Lane extending to 22m from Stanley Lane.

A4 [LTC-SOR] Schedule of Outstanding Resolutions 27 September 2018

From Meeting held 26 July 2018:

[LTC] Brett Street and Keith Compton Drive, Tweed Heads (B5)

That to improve safety for pedestrians and cyclists a 'No Stopping' yellow edge line be installed on Keith Compton Drive commencing at the kerb ramp near Brett Street extending 5m to the east and reinforce with the relocation of the 'No Stopping' sign.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEMS

LATE REPORT FROM EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

52 LATE [PCG-CM] Audit, Risk and Improvement Committee Report for year ended 30 June 2018

This item was dealt with earlier in the meeting. (Minute No 515 refers).

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

564

Cr J Owen

Cr K Milne

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

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL ITEMS FOR CONSIDERATION

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

MAYORAL MINUTE IN COMMITTEE

C1 [MM-CM] Mayoral Minute - General Manager Annual Review for 2017/2018 and determination of the General Manager's Performance Agreement for 2018/19

The General Manager left the meeting whilst this item was discussed and determined at 9.51PM.

REASON FOR CONFIDENTIALITY:

This report details the outcomes of the 2017/18 annual review of the General Manager's Performance Agreement under his Contract of Employment.

It also contains details of the General Manager's 2018/19 Performance Agreement for formal confirmation by Council.

In accordance with the terms of the Guidelines for the Appointment and Oversight of General Managers issued by the Office of Local Government, it is to be considered in a Confidential Meeting.

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).

Mayoral Comment

Council's General Manager is employed under a Contract of Employment, which is in the standard format required by the Department of Premier and Cabinet. – Office of Local Government. A requirement of that contract is for reviews to be undertaken of the General Managers performance.

Council appointed a Performance Review Committee to undertake these reviews – I am on that committee, together with all Councillors.

We undertook a detailed review of the General Manager's performance for the 2017/18 financial year, based on his Performance Agreement with Council. That review was held on Thursday 23 August 2018.

In accordance with the Guidelines issued by the Department of Premier and Cabinet, the details of this review are to be reported to Council in Closed session, and all associated documents are to remain confidential.

The outcome of the review was an overall rating of more than satisfactory performance over the year by our General Manager.

Follow up areas requiring the General Manager's attention were identified and conveyed to him as part of this process.

The Performance Review Committee has also prepared the General Manager's Performance Agreement for 2018/19.

On behalf of all Councillors I wish to thank the General Manager for his efforts and support, which are very much valued by Council. It is not an easy job, and we appreciate the contributions he has made to better our Region and leadership he provides.

C 72

That the:

1. Report from the Performance Review Panel on the outcomes of the annual review of the General Manager's 2017/18 performance against his Performance Agreement be received and noted.
2. General Manager's 2018/19 Performance Agreement be endorsed.

The Motion was **Carried**

FOR VOTE - Unanimous

The General Manager returned to the meeting at 9.56PM.

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Nathan Bewes Recognition

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 73

That Council calls for comment regarding the naming of the park located on the Queensland Road, Murwillumbah and adjoining the Mount Saint Patricks College grounds, 'Nathan Bewes Park' in accordance with Council's Policy for the Naming of Public Parks.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Proposed Easement for Sewage Purposes - Lot 21 DP 331993 - 39 West End Street, Murwillumbah

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 74

That Council:

1. Approves the acquisition of an Easement for Sewage 5 metres wide within Lot 21 DP 331993 located at 39 West End Street, Murwillumbah;
2. Approves the compensation agreed upon as set out in the body of the report; and
3. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE REPORTS FROM DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C4 LATE [PR-CM] Class 4 Appeal - Development Application DA12/0215.01 for an Amendment to Development Consent DA12/0215 for Change of Use to Daytime Respite Care Centre With Associated Signage, Car Parking and Landscaping at Lot 23 DP 8100; No. 9 Boyd Street

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 76

That Council, in respect of the approved Section 4.55 Modification DA12/0215.01 for amendment to Development Consent DA12/0215 for change of use to daytime respite care centre with associated signage, car parking and landscaping at Lot 23 DP 8100; No. 9 Boyd Street, Tweed Heads, engages a solicitor and relevant experts (if required) to defend the Class 4 appeal; and provide delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager to undertake any required negotiations

The Motion was **Carried**

FOR VOTE - Unanimous

C5 LATE [PR-CM] DA03/0445.03 Land & Environment Court Judgment for 477 Urliup Road, Urliup

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 77

That Council:

1. In regard to the current compliance investigations into the water extraction activities being carried out on the premises No. 477 Urliup Road, Urliup, continues to follow legal advice in pursuing regularisation and compliance of the water extraction activity.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried**

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

565

Cr K Milne
Cr P Allsop

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 10.11pm.



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

Chairman

