



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne (Mayor)

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

Minutes

Ordinary Council Meeting Thursday 17 November 2016

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah** commencing at 5.00pm
following Planning Committee meeting

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 5.00pm.

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), Ms Liz Collyer (Director Corporate Services), Mr Danny Rose (Acting Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Maree Morgan (Minutes Secretary).

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 17 November 2016

519

**Cr P Allsop
Cr C Cherry**

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 17 November 2016 be adopted.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

1 [PR-PC] Planning Proposal PP10/0006 - 225 Terranora Road, Banora Point

RECOMMENDED that, in respect of Planning Proposal PP10/0006 for Lot 16 DP 856265 at 225 Terranora Road, Banora Point, the Council endorses that:

1. The planning request for a zoning redefinition prepared by Planit Consulting Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;
2. A reduced area of rezoning definition and subdivisional capability is supported to the extent that it permits only a two lot subdivision, and for the purpose of residential use;
3. The Proponent is to confirm their acceptance of the reduced area for rezoning investigation and two lot subdivision capability within 21 days of the date of this resolution taking effect;
4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area and restricted subdivision capability, but not before the compliance matters relating to

the illegal dwelling(s) and imported fill material have been concluded to the Councils satisfaction; and

5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.
6. The Director Planning and Regulation is to take all necessary and reasonable measures to ensure that any breach of planning laws in respect of the illegal dwelling(s) and imported fill material are rectified in accordance with those laws and where appropriate the land is to be reinstated to its natural condition prior to those works or buildings occurring.

2 [PR-PC] Planning Proposal PP12/0001 - 420-434 Terranora Road, Terranora - Submission in Response to Public Exhibition by the Department of Planning and Environment

RECOMMENDED that the attached submission sent to the Department of Planning and Environment on the public exhibition of the Planning Proposal PP12/0001 for 420-434 Terranora Road, Terranora is received and noted.

3 [PR-PC] Planning Proposal PP16/0002 - Lot 1 DP 595863, Lots 2 & 3 DP 819065 and Lot 1 DP 807182 Winchelsea Way, Terranora

RECOMMENDED that Council, in respect of Planning Proposal PP16/0002 - Lot 1 DP 595863, Lots 2 & 3 DP 819065, and Lot 1 DP 807182 Winchelsea Way, Terranora, endorses that:

1. The planning request for a zoning redefinition prepared by Darryl Anderson Consulting Pty Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;
2. A reduced area of investigation for a rezoning definition is supported for the land situated generally at the 110 to 120 metre AHD contour lines, and for the purpose of large lot residential;
3. The Proponent is to confirm their acceptance of the reduced area for investigation within 21 days of the date of this resolution taking effect;
4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area of investigation; and
5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.

4 [PR-PC] Planning Proposal PP16/0003 - Filming on Private Land

RECOMMENDED that:

1. Council notes the public exhibition, for which there was no public submissions received, and the advice of NSW Rural Fire Service raising no objection to the planning proposal;
2. The Planning Proposal PP16/0003 'filming' is approved; and
3. The Director Planning and Regulation is to forward Planning Proposal PP16/0003 to the NSW Minister for Planning & Environment with a request that the Plan be made pursuant to s.59 of the *Environmental Planning and Assessment Act 1979*, at the earliest time.

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

RECOMMENDED that Council notes there are no variations for the month of October 2016 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

CONFIDENTIAL PLANNING COMMITTEE

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-PC] Development Application DA11/0022.01 for an Amendment to Development Consent DA11/0022 for a Tennis Complex Comprising a Clubhouse, 12 Fully Lit Tennis Courts and 52 Car Parking Spaces at Lot 465 DP 1144944 Henry Lawson Drive, Terranora; Lot 283 D

REASON FOR CONFIDENTIALITY:

This report is confidential as it discusses potential claims and complaints relating to a Private Certifier.

Local Government Act

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

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

RECOMMENDED that the report on Development Application DA11/0022.01, for an amendment to Development Consent DA11/0022 for a tennis complex comprising a clubhouse, 12 fully lit tennis courts and 52 car parking spaces at Lot 465 DP 1144944

Henry Lawson Drive, Terranora; Lot 283 DP 873663 No. 89 Henry Lawson Drive, Terranora, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 27 October 2016

520

Cr W Polglase

Cr K Milne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 27 October 2016 be adopted as a true and accurate record of proceedings of that meeting, with the following amendment to the resolution at Minute No 475 being Item 14 [CNR-CM] SALT Surf Life Saving Club from the meeting held Thursday 27 October 2016, as highlighted by underling, to now read:

"That Council approves publishing a notice of Council's intention of entering into a lease with SALT Surf Life Saving Club over part of Lot 173 DP 1075495 and part Lot 901 DP 1066477 and an area of road reserve, as clearly identified in an attached diagram, for a term of 10 years and an option, in favour of the lessee, for a further 10 years."

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

Cr C Cherry declared a non-significant non-pecuniary interest in Item 13 [CNR-CM] Private Land Conservation Program. The nature of the interest is that she has been a member of an organisation that has benefitted from the Private Land Conservation Program.

Cr Cherry advised that she will vacate the Chamber and take no part in the discussion or vote.

Cr J Owen declared a non-significant non-pecuniary interest in Item 14 [CNR-CM] Loan to SALT Surf Life Saving Club. The nature of the interest is that he is a member of the Salt Surf Life Saving Club.

Cr Owen advised that he will vacate the Chamber and take no part in the discussion or vote.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR] Schedule of Outstanding Resolutions for Consideration at Council Meeting on 17 November 2016

The Schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for October 2016

521

Cr K Milne

RESOLVED that the Mayoral Minute for the month of October 2016 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions

The Manager Corporate Governance/Public Officer advised the meeting that no Petitions have been received for Council's consideration.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 6 [GM-CM] Constitutional Referendum held in conjunction with Election on 29 October 2016

522

Cr W Polglase
Cr P Allsop

RESOLVED that the outcome of the Constitutional Referendum of 29 October 2016 that an election for seven (7) councillors be conducted at the next Ordinary Election of Council in September 2020, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 7 [PR-CM] Landowners Consent for Development Application DA16/0059 for the Demolition of Existing Building, Erection of Service Station and Ancillary Signage at Lot 5 DP 1123670 Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way,

523

Cr W Polglase
Cr P Allsop

RESOLVED that Council does not provide landowners consent for the works proposed as part of Development Application DA16/0059 for the demolition of existing building, erection of service station and ancillary signage to be undertaken within Council road reserves adjacent to Lot 5 DP 1123670 at Hayes Lane, Alma Street and Tweed Valley Way, South Murwillumbah.

The Motion was **Carried**

FOR VOTE - Unanimous

- 8 [PR-CM] Development Application DA16/0059 for the Demolition of Existing Building, Erection of Service Station and Ancillary Signage at Lot 5 DP 1123670 Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way, South Murwillumbah

524

Cr W Polglase
Cr C Cherry

RESOLVED that Development Application DA16/0059 for the Demolition of Existing Building, Erection of Service Station and Ancillary Signage at Lot 5 DP 1123670 Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way, South Murwillumbah be refused for the following reasons:

1. Pursuant to Section 79C(1)(b) the proposal is considered to create an unacceptable impact on the built environment. The proposal is considered to create an unacceptable impact on the functioning and accessibility of the surrounding traffic network.
2. Pursuant to Section 79C(1)(c) the proposal is considered to be unsuitable for the subject site. The proposal is considered to create a form of development which will detract from the visual appeal and streetscape of this key location at the entrance of the Murwillumbah Business Centre.
3. Pursuant to Section 79C(1)(e) the proposal is considered not be within the public interest. The proposal has generated significant concern, as identified through public submissions, in terms of potential conflicts with the land use amenity, and traffic and pedestrian safety for the area surrounding the subject site.
4. Council resolved as per Item 7 of this Agenda not to grant landowners consent for this development.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

SUSPENSION OF STANDING ORDERS

525

Cr R Byrnes
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Item 22 and 10 of the Agenda, including a presentation by External Auditor, Mr Adam Bradfield from Thomas Noble and Russell (Item 22).

The Motion was **Carried**

FOR VOTE - Unanimous

Cr W Polglase has temporarily left the meeting at 05:50 PM.

22 [CS-CM] Tweed Shire Council Financial Statements

Cr W Polglase has returned from temporary absence at 05:51 PM

Council's External Auditor, Mr Adam Bradfield gave a presentation to Council prior consideration of this item.

526

**Cr J Owen
Cr P Allsop**

RESOLVED that Council adopts the 2015/2016 Statutory General Purpose and Special Purpose Financial Reports.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [CNR-CM] Licence for Pottsville Men's Shed at Black Rocks

527

**Cr J Owen
Cr W Polglase**

PROPOSED that:

1. Council accepts the local community support to grant the licence to the Pottsville and District Men's Shed Inc. at the Black Rocks Sports Field, in accordance with Council's resolution of 21 August 2014 and reaffirms its resolution of 15 September 2016.

RESOLVED that Council:

1. Approves the granting of a five year licence to the Pottsville & District Men's Shed Inc. over part of Lot 301 in DP 1125090 at Pottsville.
2. Executes all necessary documentation under the Common Seal of Council.

2. ATTACHMENTS 1 to 8 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:
- (a) personnel matters concerning particular individuals (other than councillors).

AMENDMENT 1

528

Cr R Cooper
Cr K Milne

RESOLVED that:

1. The determination of the licence be deferred to a future Council meeting, and that Council:
2. Notes the community's support of a Men's Shed in Pottsville and that Council writes an urgent letter to the State Member Geoff Provest requesting information related to the process by which Crown Lands has to date worked to help the Pottsville and District Men's Shed (PDMS) to find a permanent home as per the Memorandum of Understanding (MOU) between Crown Lands and the Australian Men's Shed Association formulated in 2013, specifically requesting:
 - a) A diagram identifying all potentially available Crown Lands in Pottsville.
 - b) A copy of the assessment made as to the suitability of a permanent home for the PDMS for each of the sites identified.
 - c) A list of the further sites that could be investigated for the purposes of a permanent home for the Pottsville and District Men's Shed and advice on the suitability of these sites.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 528 refers)

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

RESUMPTION OF STANDING ORDERS

529

Cr K Milne
Cr J Owen

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [CNR-CM] RFO2016-040 - Tenders for the Waste Collection Service

530

Cr R Cooper

Cr J Owen

PROPOSED that in respect to Contract Offer RFO2016040 - Collection of municipal waste, collection and processing of recyclables, collection of organics, collection of public place bins, and collection of household bulky waste:

1. Council awards the contract to Rico Enterprises Pty Ltd ATF, the Rico Family Trust Trading as Solo Resource Recovery (ACN 110348537 - ABN 62398515816) for the Schedule of rate amounts with an estimated value over three years of \$15,903,000 (exclusive of GST).
2. Council endorses the provision of the household bulky waste service by way of a dial up service supported by a public education campaign.
3. 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.
4. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:
 - (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.

AMENDMENT 1

531

Cr K Milne

Cr C Cherry

PROPOSED that in respect to Contract Offer RFO2016040 - Collection of municipal waste, collection and processing of recyclables, collection of organics, collection of public place bins, and collection of household bulky waste:

1. Council awards the contract to Rico Enterprises Pty Ltd ATF, the Rico Family Trust Trading as Solo Resource Recovery (ACN 110 348 537 - ABN 62 398 515 816) for the

Schedule of rate amounts with an estimated value over three years of \$15,903,000 (exclusive of GST).

2. Council endorses the provision of the household bulky waste service by way of a pick up service supported by a public education campaign.
3. 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.
4. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:
 - (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.
5. Council seeks to expand the level of resource recovery.

Amendment 1 was **Lost**

FOR VOTE - Cr K Milne

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

AMENDMENT 2

532

Cr K Milne

Cr C Cherry

PROPOSED that in respect to Contract Offer RFO2016040 - Collection of municipal waste, collection and processing of recyclables, collection of organics, collection of public place bins, and collection of household bulky waste:

1. Council awards the contract to Rico Enterprises Pty Ltd ATF, the Rico Family Trust Trading as Solo Resource Recovery (ACN 110 348 537 - ABN 62 398 515 816) for the Schedule of rate amounts with an estimated value over three years of \$15,903,000 (exclusive of GST).
2. Council endorses the provision of the household bulky waste service by way of a dial up service supported by a public education campaign.
3. 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.
4. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:
 - (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.

5. Council seeks to expand the level of resource recovery.

Amendment 2 was **Carried**

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

Amendment 2 on becoming the Motion was **Carried** - (Minute No 532 refers)

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.40pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm

10 [CNR-CM] Licence for Pottsville Men's Shed at Black Rocks

This item was dealt with earlier in the meeting (Minute No 528 refers).

11 [CNR-CM] Nomination for NSW Representative to the Australian Coastal Councils' Association Committee of Management

533

Cr W Polglase
Cr C Cherry

RESOLVED that Council nominates Cr James Owen and Cr Ron Cooper as a representative for consideration for a casual vacancy as a NSW Representative to the Australian Coastal Councils' Association Committee of Management for the period 2016-2017.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [CNR-CM] Management of Flying-fox Camps

534

**Cr W Polglase
Cr K Milne**

RESOLVED that Council:

1. Applies to the NSW State Government Flying-Foxes Grants Program for \$15,000 funding (Stream 2 – preparing flying-fox camp management plans).
2. Considers allocation of \$22,000 in the 31 December 2016 budget review to provide the balance of funding required to engage a suitably qualified consultant to prepare the plan.
3. Prepares a Shire-wide flying-fox camp management plan.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [CNR-CM] Private Land Conservation Program

Cr C Cherry declared non-significant non-pecuniary interest in this item. The nature of the interest is that she has been a member of an organisation that has benefitted from the Private Land Conservation Program. Cr Cherry advised that she will vacate the Chamber and take no part in the discussion or vote.

Cr C Cherry temporarily left the meeting at 07:38 PM.

535

**Cr K Milne
Cr J Owen**

RESOLVED that Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the second quarter of 2016/2017.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Cherry

Cr C Cherry has returned from temporary absence at 07:39 PM

14 [CNR-CM] Loan to SALT Surf Life Saving Club

Cr J Owen declared a non-significant non-pecuniary interest in this item. The nature of the interest is that he is a member of the Salt Surf Life Saving Club. Cr Owen advised that he will vacate the Chamber and take no part in the discussion or vote.

Cr J Owen temporarily left the meeting at 07:39 PM.

536

**Cr W Polglase
Cr K Milne**

RESOLVED that Council approves:

1. Entering into a Deed with SALT Surf Life Saving Club Inc. for a \$200,000 interest free loan with a repayment term of ten years; and
2. The execution of all necessary documentation under the Common Seal of Council.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

Cr J Owen has returned from temporary absence at 07:40 PM

LATE ITEM

537

**Cr P Allsop
Cr R Cooper**

RESOLVED that Item a14 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

a14 [CRM-CM] Update on the Consultation Paper Regarding Proposed Changes to the Protection of the Environment Operations Legislation .

538

**Cr C Cherry
Cr R Cooper**

RESOLVED that Council notes the content of this report and its submission in response to the Environment Protection Authority's Consultation Paper on the proposed amendments to the Protection of the Environment Operations Legislation.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] Palmvale Road, Palmvale - Acquisition of Land for Road Purposes

539

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. Council approves the acquisition of Lots 1 and 2 in DP 1224379 for public road and compensation purposes and the transfer of the road closure parcel being Lot 2 in DP 1224379 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor.
2. Lot 1 in DP 1224379 be dedicated as road following gazettal of the acquisition.
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [E-CM] RFO2016083 Rehabilitation of Gravity Sewerage Reticulation Mains

540

**Cr J Owen
Cr K Milne**

RESOLVED that, in respect to Contract RFO2016083 Rehabilitation of Gravity Sewerage Reticulation Mains:

1. Council awards the contract to Reline Solutions Pty Ltd ABN 53 119 222 267 for the amount of \$828,842.80 (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, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (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

17 [E-CM] RFO2016132 Supply of 1 x Backhoe Loader Complete with Attachments

541

**Cr J Owen
Cr R Byrnes**

RESOLVED that, in respect to Contract RFO2016132 for the Supply of 1 x Backhoe Loader Complete with Attachments:

1. Council awards the Contract RFO2016132 Supply of 1 x Backhoe Loader Complete with Attachments to Komatsu Australia Pty Ltd (ABN 71143476626, ACN 143476626) for the price of \$168,787.27 (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

18 [E-CM] RFO2016102 Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units

542

**Cr J Owen
Cr R Cooper**

RESOLVED that, in respect to Contract RFO2016102 for the Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units:

1. Council awards the Contract RFO2016102 Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units to Ausroad Systems Pty Ltd (ABN 61 097 151 445, ACN 097 151 445) - Option No1 - for the price of \$766,170 (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:-
 - (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
 - (d) *Commercial information of a confidential nature that would, if disclosed:*
 - (i) *Prejudice the commercial position of the person who supplied it, or*
 - (ii) *Confer a commercial advantage on a competitor of the council, or*
 - (iii) *Reveal a trade secret.*

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

19 [CS-CM] Code of Conduct Complaints - 1 September 2015 to 31 August 2016

543

**Cr C Cherry
Cr J Owen**

RESOLVED that the Code of Conduct Complaints for the period 1 September 2015 to 31 August 2016 be received and noted and the return be submitted to the Office of Local Government.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [CS-CM] Corporate Quarterly Performance Report 1 July to 30 September 2016

544

Cr J Owen
Cr C Cherry

RESOLVED that Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [CS-CM] Quarterly Budget Review - September 2016

545

Cr J Owen
Cr R Byrnes

RESOLVED that the:

1. Quarterly Budget Review Statement as at 30 September 2016 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2017.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	274,450	0
Materials & Contracts	0	1,609,538
Interest	0	0
Other Operating costs	0	0
Capital	24,586,089	0
Loan Repayments	0	0
Transfers to Reserves	18,700	0
	24,879,239	1,609,538

Description	Change to Vote	
	Deficit	Surplus
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	488,758
Capital Grants & Conts	0	10,810,600
User Charges & Fees	0	125,036
Other Operating Revenue	0	138,055
Loan Funds	0	180,000
Recoupments	0	2,929,665
Transfers from Reserves	0	8,597,587
Asset Sales	0	0
	0	23,269,701
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	2,133,387	0
Loan Repayments	0	0
Transfers to Reserves	222,630	0
	2,356,017	0
<u>Income</u>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	423,186
Operating Grants & Conts	0	0
Capital Grants & Conts	0	513,376
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	1,071,698
Transfers from Reserves	0	347,757
Asset Sales	0	0
	0	2,356,017
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	283,500	0
Loan Repayments	0	0
Transfers to Reserves	0	128,335
	283,500	128,335

Description	Change to Vote	
	Deficit	Surplus
Income		
Rates and Annual Charges	0	0
Interest revenue	0	309,000
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	95,985
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	52,500	0
Transfers from Reserves	197,320	0
Asset Sales	0	0
	249,820	404,985
Net Surplus/(Deficit)		0

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CS-CM] Tweed Shire Council Financial Statements

This item was dealt with earlier in the meeting (Minute No 526 refers).

23 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 October 2016

546

Cr W Polglase
Cr P Allsop

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 October 2016 totalling \$265,868,431 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

Nil.

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

24 [SUB-TRC] Minutes of the Tweed River Committee Meeting Held Wednesday 12 October 2016

547

**Cr R Byrnes
Cr J Owen**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held 12 October 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A2. Terms of Reference

1. *Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.*
2. *The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees and that the Tweed River and Tweed Coastal Committees be disbanded.*
3. *Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.*

The Motion was **Carried**

FOR VOTE - Unanimous

25 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting Held
Wednesday 12 October 2016

548

Cr K Milne
Cr P Allsop

RESOLVED that:

1. The Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 October 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A2. Terms of Reference

1. *Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.*
2. *The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees and that the Tweed River and Tweed Coastal Committees be disbanded.*
3. *Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.*

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

549

Cr K Milne
Cr R Byrnes

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

The Motion was **Carried**

FOR VOTE - Unanimous

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Henna Coffee - Business Investment Policy

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 43

That Council:

1. Enters into an agreement with Life Espresso Pty Ltd (ABN: 68 169 419 309 trading as Henna Coffee) to defer water and sewer (s.64) developer charges resulting from DA14/0874 over a one year period.
2. Endorses all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C2 [E-CM] Tumbulgum Road - Acquisition of Easements

REASON FOR CONFIDENTIALITY:

This report details the history of negotiations with landowners and the disclosure of such negotiations could negatively impact the outcome of those negotiations and breach commercial in confidence obligations.

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 44

That:

1. The General Manager be granted delegation to finalise negotiations with the landowners of 22 and 24 Tumbulgum Road, Murwillumbah and 1 Old Ferry Road, Murwillumbah to reach a private treaty agreement regarding the granting of Easements for Batter Support within Lot 1 DP 33147, Lot 1 DP 348293 and Lot 3 DP 8291, and where negotiations fail then;
2. Council proceeds to acquire the Easements for Batter Support within Lot 1 DP 33147, Lot 1 DP 348293 and Lot 3 DP 8291 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor with a reduced notification period of 30 days;
3. Council approves the acquisition of Easement for Batter Support within Lot 2 DP 779866 and Lot 6 DP 8291 and the quantum of compensation as set out in the body of the report;
4. Council approves the quantum of reasonable compensation in the event of reaching agreement; and
5. Council executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

550

Cr K Milne
Cr P Allsop

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

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

There being no further business the Meeting terminated at 8.47pm



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

Chairman

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