

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 21 September 2017

held at
Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads
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 5.45pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (for Director Planning and Regulation), Mr Andrew Illingworth (Acting Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Ms Fran Silk (Communications Officer - Social and Media), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

RATES INCENTIVE - 2017/18

a1 [CM] Rates Incentive

The Public Officer informed the meeting that 5900 ratepayers had paid their 2017/18 Council Rates in full and were therefore eligible to be in the Draw for the three Rates Incentive Prizes.

The Mayor, Cr Milne drew the following prize winners:

First Prize: A \$2500 sustainable home package - Mr Stewart W Crawford & Nicole J Crawford, Terranora.

Second Prize: A \$1500 sustainable home package - Mrs Patricia A Corke, Pottsville.

Third Prize: A \$1000 sustainable home package - Mr Kenneth M Hughes and Dorothy J Hughes, Piggabeen.

The Mayor congratulated the winners who will be duly notified.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 17 August 2017

415

Cr C Cherry
Cr R Cooper

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 17 August 2017 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

2 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Monday 21 August 2017

416

Cr C Cherry
Cr R Cooper

RESOLVED that the Minutes of the Extraordinary Council Meetings held Monday 21 August 2017 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [CONMIN-EXT] Confirmation of the Record of the Extraordinary Council Meeting held Tuesday 22 August 2017 and Adjourned and Minutes of the Resumed Extraordinary Council Meeting held Thursday 24 August 2017

417

**Cr C Cherry
Cr R Cooper**

RESOLVED that Record of the Extraordinary Council Meeting held Monday 22 August 2017 which was adjourned and the Minutes of the resumed Extraordinary Council Meeting held Thursday 24 August 2017 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held 7 September 2017

418

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 September 2017 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

419

Cr K Milne
Cr C Cherry

RESOLVED that Ordinary Item 41 [CS-CM] Code of Conduct - Panel of Conduct Reviewers be moved to the confidential session in accordance with the Confidential Nature of this Item under the Local Government Act 1993 Clause 10A(2)

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

(a) *personnel matters concerning particular individuals (other than councillors)*

The Motion was **Carried**

FOR VOTE - Unanimous

420

Cr J Owen
Cr K Milne

RESOLVED that Ordinary Item 43 [CS-CM] RFO20170060 Printing and Distribution of Tweed Link be moved to the confidential session to enable discussion with staff and in accordance with the Confidential Nature of this Item under the Local Government Act 1993 Clause 10A(2)

Confidential Nature of this Item under the Local Government Act 1993 Clause 10A(2)

(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

SUSPENSION OF STANDING ORDERS

421

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Items 17, 19, a19, 22 and a39 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [PR-CM] Proposed Regulatory and Compliance Response to Unauthorised Camping along Chinderah Bay Drive Foreshore, Chinderah

422

**Cr C Cherry
Cr R Cooper**

RESOLVED that Council, in respect of camping activity in the reserves and foreshores of Cudgen Creek, Kingscliff, where there has been a concentration of this activity on the public road and foreshore along and adjacent to Chinderah Bay Drive Chinderah:

1. Endorses the general policy position that Council will no longer tolerate any camping along Chinderah Bay Drive and its related foreshore area
2. Endorses a new definition for camping:

"The pitching, placing or erection of a tent, vehicle, caravan, shelter, structure or other equipment for the purpose of using the tent, vehicle, caravan, shelter, structure or other equipment for the accommodation of persons to live in temporarily"

3. Endorses the erection of the following signage:
 - a. Signage in the Road Reserve Areas
"No Parking Area 11pm – 4am"
 - b. Signage in the Public Place Areas

NO CAMPING AT ANY TIME
ON ANY STREETS, PARKS, RESERVES, FORESHORES, OR CAR PARKS

FINES APPLY
MAXIMUM PENALTY EXCEEDS \$1,000

Section 632 Local Government Act 1993

4. Council officers commence a program of monitoring and enforcement of the activities in these areas
5. The above activities be reviewed over a 3 month period, and a further report be brought back to council to determine whether to enforce more stringent restrictions on the use of Chinderah Bay Drive and related foreshore areas.
6. 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 - Unanimous

19 [PR-CM] Development Application DA10/0222.26 for an Amendment to Development Consent DA10/0222 for Casuarina Town Centre Including 56 Lot Subdivision, Road Works, Infrastructure Works and Landscaping (Department of Planning Application MP06_0258) MOD 10 a

423

**Cr W Polglase
Cr J Owen**

RESOLVED that:

1. In regard to Development Application DA10/0222.26 for an amendment to Development Consent DA10/0222 for Casuarina Town Centre including 93 lot subdivision, road works, infrastructure works and landscaping (Department of Planning Application MP06_0258) MOD 10 at Lot 15 DP 1198266 & Lot 13 DP 1014470 Casuarina Way, Casuarina, Council formally grant land owners consent for use of Lot 13 in DP 1014470 as per the Draft Plan of Management to enable the applicant to lodge the amended MP06_0258 MOD 10 (Council reference DA10/0222.26) with the NSW Department of Planning; and
2. Pursuant to the provisions of Section 36 of the Local Government Act 1993 the Draft Plan of Management for Lot 13 in DP 1014470 Casuarina Way, Casuarina be placed on exhibition for 28 days allowing a submission period of 42 days. During the exhibition and submission period, a public meeting is to be held in respect of the plan.

The Motion was **Carried**

FOR VOTE - Unanimous

a19 [PR-CM] Unauthorised Forestry and Road Works - Lot 136 DP 755724 Boormans Road, Tyalgum

LATE ITEM

424

**Cr K Milne
Cr C Cherry**

RESOLVED that Item a19 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

425

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council engages its solicitors to provide advice regarding the unauthorised forestry and road works within that portion of Lot 136 DP DP755724 Boormans Road, Tyalgum affected by Tweed Local Environmental Plan 2000 environmental zones, as identified in this report, and that a further report be submitted to Council providing preferred options for prosecution of the site owners, and best options to impose a statutory stop work order under the Environmental Planning and Assessment Act 1979 and **a Clean Up Notice under** the Protection of the Environment Operations Act 1997;
2. Council endorse that a systematic site assessment be undertaken to inform any investigation and compliance action including:
 - a. Survey all constructed roads via vehicle traverse with differential GPS;
 - b. Survey the aerial extent and location of all areas of vegetation clearing;
 - c. Assessment by a suitably qualified ecologist to quantify the vegetation classification of areas impacted by vegetation clearing; and
 - d. Assessment by a suitably qualified ecologist of the quantified extent of vegetation clearing in relation to the impacts of the clearing on threatened species and threatened species habitat.
3. Council officers continue to work with relevant State and Federal Government compliance agencies to seek a prosecution of the site owners under their legislation and appropriate site management.

4. Subject to the advice in 1 above the Stop Work Notice and the Clean Up Notice may be issued by the General Manager or delegate without the need for a further report to Council.
5. Council requests in the strongest terms and makes representation in person to the state government to revoke this Private Native Forestry licence due to the significant impacts for Tweed's World Heritage values, threatened species, waterway pollution, safety issues with the instability of the works for compliance officers and on site workers, the unsuitability of the external road network, the significant costs of the extensive compliance actions required, the distress caused in the community, and the ongoing risks of further compliances breaches as evidenced by the significance and similarity of these repeat unauthorised activities.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] Richmond Tweed Regional Library Deed of Agreement

426

**Cr K Milne
Cr R Byrnes**

RESOLVED that Item 22 be deferred to the next Planning Committee meeting to be held 5 October 2017.

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***

a39 [E-CM] Crown Land Management Regulation 2017

LATE ITEM

427

**Cr K Milne
Cr P Allsop**

RESOLVED that Item a39 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

428

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council receives and notes this report and the late updated Attachment and approves the forwarding of a submission to the draft Crown Land Management Regulation 2017.
2. Due to the lack of adequate time to undertake a more comprehensive report, delegates to the Mayor to include any further issues of concern.

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***

RESUMPTION OF STANDING ORDERS

429

**Cr K Milne
Cr P Allsop**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

5 [SOR-CM] Schedule of Outstanding Resolutions as at 21 September 2017

The Schedule of Outstanding Resolutions as at 21 September 2017 was received and noted.

MAYORAL MINUTE

6 [MM-CM] Mayoral Minute for August 2017

430

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of August 2017 be received and noted.
2. The attendance of Councillors at the following nominated Conferences be authorised:
 - a. Climate Leadership Conference - 15-16 March 2018 - Cr C Cherry, Cr K Milne
 - b. LGNSW Planning Breakfast and Awards - 24 October 2017 - Cr J Owen.

The Motion was **Carried**

FOR VOTE - Unanimous

**a6 [MM-CM] Late Mayoral Minute - Class 1 Appeal Development Application
DA16/0527 - 204 Marine Parade Kingscliff**

431

Cr K Milne

RESOLVED that:

1. Part of Minute Number C49 and 242 of 5 June 2017:
 - b) In accordance with Section 377(1) of the Local Government Act 1993, grants delegated authority to the General Manager and Mayor to act in full capacity of Council in assisting the NSW Land and Environment Court with these proceedings and in particular negotiating a planning outcome that would be more acceptable to the community and that is more in keeping with the Council's development planning guidelines: be rescinded.
2. Council in accordance with Section 377(1) of the Local Government Act 1993, grants delegated authority to the General Manager and Councillor Ron Cooper to act in full capacity of Council in assisting the NSW Land and Environment Court with these proceedings and in particular negotiating a planning outcome that would be more acceptable to the community and that is more in keeping with the Council's development planning guidelines.

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***

RECEIPT OF PETITIONS

7 [ROP-CM] Receipt of Petitions

432

Cr P Allsop
Cr C Cherry

RESOLVED that the following tabled Petitions be received and noted:

1. **Petition from the Fiona Dee, supported by in excess 300 signatures:**

We, the undersigned, strongly urge Tweed Shire Council to adhere to and protect the objectives of the current RU2 zoning of the Dungay locality by rejecting the totally inappropriate development proposed for 355 Tomewin Road Dungay. The RU2 objectives being:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource based.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land and the stated objectives in the Rural Land Strategy*
- *To ensure that future development occurring in the rural settlements is consistent with community's visions and aspirations.*
- *All existing landscape and scenic features must remain protected and enhanced by future development.*
- *Maintain rural character and beauty.*
- *Ecology of the area should be preserved.*
- *New development should be sustainable and sensitive to the neighbourhood.*

2. **Petition from S Thomas and M Tunaley, supported by 24 signatures:**

We, the residents of Crooks Valley Road strongly oppose the use of 102 Crooks Valley Road (Heart of Love Centre) for the purpose of religious festivals and large scale gatherings on the following grounds:

1. *A previous religious festival (The Festival of Light) was conducted without council permission and continued for three days despite specific instructions from Tweed Shire Council officers that it should cease immediately.*
2. *No consultation of upcoming high volumes of traffic, people and noise was conducted with adjoining properties.*
3. *Crooks Valley Road is a narrow dead end rural road without the capacity to deal with the large volume of traffic associated with festivals and large scale gatherings of people.*

4. *There is no legally designated parking on the site meaning that cars have been illegally parked on adjoining properties.*
5. *A Shuttle bus service was used to transport people up and down Crooks Valley Road for the three days of the illegal festival.*
6. *Trespass of people and vehicles onto adjoining properties occurring.*
7. *Entry to properties of which 102 Crooks Valley Road shares Right of Carriageway over a narrow bridge have been adversely affected.*
8. *The site is at the centre of a large valley and all noise is channelled loudly to nearby properties.*

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

8 [NOM] Aluminium Cladding

433

Cr K Milne
Cr C Cherry

RESOLVED that Council

1. Notes the recent Four Corners report on the risks of fire from Aluminium cladding as building products.
2. Notes that Council is currently investigating this matter.
3. Increases the awareness of residents by supporting a media campaign that highlights the current problems with buildings that have used non-conforming combustible aluminium cladding.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [NOM] Aircraft Air Pollution

434

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Notes that aircraft emit fine particulate matter that poses a health risk to humans.
2. Notes the only air quality monitoring station in the vicinity is 80km from the airport at Springwood in Qld and no air quality monitoring station for NSW was referred to in the 2017 masterplan.
3. Writes to the Federal Minister for the Environment to request that comprehensive, specific and targeted air quality monitoring is undertaken for Tweed and Gold Coast residents affected by aircraft emissions and a report be provided to Council and made publically accessible.

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] Rail Trail Community Consultation

435

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

1. Notes the full length of the Tweed section of the Rail Trail of 24 km to Crabbes Creek has not benefitted from any specifically targeted Shirewide consultation and therefore cannot adequately demonstrate categorical community support as normally required for successful government grant funding.
2. Notes the potential impact for affected landholders with the public traversing of their land unrestrained without fencing.
3. Brings back a further report to determine an appropriate Shirewide consultation strategy including but not limited to a survey asking whether the community would prefer:

- a To preserve the rail tracks
- b To convert the track to a rail trail
- c To have dual use of the rail corridor to preserve the rail tracks and provide for a rail trail.

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

11 [NOM] Support for Marriage Equality 'Yes' Vote

436

Cr K Milne
Cr R Byrnes

RESOLVED that:

1. Confirms support to amend the Marriage Act to include all members of the LGBTQIA community.
2. Erects a rainbow flag or banner outside the Tweed and Murwillumbah Council Chambers for the duration of the Postal Survey.
3. Promotes Council's position of support through forums such as media and social media and holds at least one Councillor led public function to promote the 'Yes' vote.

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

**A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM CRS J OWEN,
W POLGLASE AND P ALLSOP**

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.19pm.

RESUMPTION OF MEETING

The Meeting resumed at 8.03pm

12 [NOM] Condolence - John 'Johno' Johnson

437

**Cr R Byrnes
Cr P Allsop**

RESOLVED that Council notes the recent passing of former Member of the NSW Legislative Council and Murwillumbah born, Mr John 'Johno' Johnson, and further notes his great contribution to public life.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [NOM] Kingscliff Football Club - Kingscliff Sport and Recreation Complex

438

**Cr R Byrnes
Cr P Allsop**

RESOLVED that:

1. Notes the unsuitability for the sport of soccer/football on the current Reg Dalton Oval and the Kingscliff Football Club's desire to move permanently to the Walter Peate grounds.
2. Notes that the Kingscliff Football Club is a growing club with a membership of over 1000 playing members and has the largest playing numbers in the Gold Coast area.
3. Council writes to the relevant State and Federal Government Ministers urgently requesting the full funding of the planning Kingscliff Sport and Recreation Complex. Council requests a copy of this letter be sent to the State Member for Tweed, Geoff Provest and the Federal Member for Richmond, Justine Elliot.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [NOM] River Walk Murwillumbah East

439

**Cr P Allsop
Cr R Byrnes**

RESOLVED that Council Officers prepare a report to brief Councillors on the background studies previously undertaken by Tweed Economic Development Corporation, Tweed Tourism and/or Council with respect to the previously proposed Tweed River Walk in Murwillumbah, including scope, costings, opportunities and any barriers to construction.

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

PROCEDURAL MOTIONS

440

**Cr C Cherry
Cr K Milne**

RESOLVED that Items 15, 16, 18, 20, 21, 23 to 31 inclusive, with the exception of Item 18 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

441

Cr P Allsop
Cr R Cooper

RESOLVED that Items 15, 16, 18, 20, 21, 23 to 31 inclusive, with the exception of Item 18 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

15 **[GM-CM] Weed Biosecurity Service Level Agreement with Rous County Council update for the period 1 July 2016 to 30 June 2017**

442

Cr P Allsop
Cr R Cooper

RESOLVED that the update on the Service Level Agreement for Weed Biosecurity and Associated Services with Rous County Council for the period 1 July 2016 to 30 June 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

16 **[PR-CM] Proposal to Establish Alcohol-Free Zones**

443

Cr P Allsop
Cr R Cooper

RESOLVED that Council:

1. Places the *Proposal to Establish Alcohol-Free Zones 2017 within Tweed Shire* on public exhibition for a period of 30 days to satisfy the requirements of Sections 644 and 644A of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol-Free Zones (Guidelines), 2009, to re-establish alcohol-free zones within Tweed Heads,

Tweed Heads South, Kingscliff, Salt, Cabarita Beach, and Murwillumbah areas over roads, footpaths, and public carparks for a maximum period of four years expiring no later than 1 December 2021; and

2. Notifies prescribed interested parties including NSW Police Force Local Area Commander and officers in charge of Tweed Heads, Kingscliff, and Murwillumbah Police Stations, any liquor licensees and secretaries of registered clubs whose premises are adjacent to any Alcohol-Free Zones within Tweed Shire.

The Motion was **Carried**

FOR VOTE - Unanimous

- 17 **[PR-CM] Proposed Regulatory and Compliance Response to Unauthorised Camping along Chinderah Bay Drive Foreshore, Chinderah**

This item was dealt with earlier in the meeting (Minute No 422 refers)

- 18 **[PR-CM] 82 Marine Parade, Kingscliff Car Parking and Contribution Requirements for New Development Comprising a Medical Centre & Chemist**

444

**Cr W Polglase
Cr P Allsop**

PROPOSED that Council advises the applicant that 100% Section 94 Plan No 23 Offsite Parking contribution **can** be supported in-principle at the site subject to the normal merit assessment occurring on any future Development Application.

AMENDMENT

445

**Cr K Milne
Cr C Cherry**

RESOLVED that this item be deferred for a Workshop.

The Amendment 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***

The Amendment on becoming the Motion was **Carried** - (Minute No 445 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

- 19 [PR-CM] Development Application DA10/0222.26 for an Amendment to Development Consent DA10/0222 for Casuarina Town Centre Including 56 Lot Subdivision, Road Works, Infrastructure Works and Landscaping (Department of Planning Application MP06_0258) MOD 10 at Lot 15 DP 1198266 & Lot 13 DP 1014470 Casuarina Way, Casuarina
This item was dealt with earlier in the meeting (Minute No 423 refers)
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- a19 [PR-CM] Unauthorised Forestry and Road Works - Lot 136 DP 755724 Boormans Road, Tyalgum
This item was dealt with earlier in the meeting (Minute No 425 refers)
-

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

- 20 [CNR-CM] Request for Owners Consent - Les Burger Sports Fields

446

Cr P Allsop
Cr R Cooper

RESOLVED that Council advises the Cabarita Raiders Rugby League Club that it will provide owners consent for the lodging of a development application on Lot 497 DP726500 for the purposes of constructing a shed for use as a gymnasium associated with the clubs activities.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [CNR-CM] Policy for Waiving of Disposal Fees - Waste Management Charges

447

Cr P Allsop
Cr R Cooper

RESOLVED that Council places on public exhibition the Draft Policy - Waiving of Disposal Fees - Waste Management (Version 2.0) for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] Richmond Tweed Regional Library Deed of Agreement

This item was dealt with earlier in the meeting (Minute No 426 refers)

23 [CNR-CM] Draft Biodiversity and Habitat Management Development Control Plan

448

Cr P Allsop
Cr R Cooper

RESOLVED that the draft Biodiversity and Habitat Management DCP be placed on public exhibition for a period of 60 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [CNR-CM] Draft Shire-wide Flying-fox Camp Management Plan

449

**Cr P Allsop
Cr R Cooper**

RESOLVED that the draft Shire-wide Flying-fox Camp Management Plan be placed on public exhibition for 28 days and accepts public submissions for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [CNR-CM] Pest Management Report to June 2017

450

**Cr P Allsop
Cr R Cooper**

RESOLVED that Council receives and notes the Pest Management Report from October 2016 to June 2017 and continues the scheduled works.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CNR-CM] RFO2017106 Oxley River Bank Erosion Stabilisation Project

451

**Cr P Allsop
Cr R Cooper**

RESOLVED that in respect to Contract RFO2017106 Oxley River Bank Stabilisation Works Eungella:

1. Council awards the contract Zurvas Earthmoving Pty Ltd Trading as GWT Earthmoving ABN 62 612 104 499 and ACN 612 104 499 for the amount of \$186,075 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

27 [CNR-CM] RFO2016128 - Transport and Disposal of Demolition Waste, Mixed Putrescible Waste and Organic Waste

452

Cr P Allsop
Cr R Cooper

RESOLVED that in respect to RFO2016128, Transport and Disposal of Demolition Waste, Mixed Waste and the Transport of Organic Waste:

1. Council awards the contract to Veolia Environmental Services Pty Ltd (Trading as TiTree Bioenergy Pty Ltd) (ABN 67 450 387 919) based on the schedule of rates as submitted with an estimated value of \$20,557,990 (GST excl) for the seven (7) year period commencing 1 January 2018, with the possibility to extend by a further two (2) 12 month periods.
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. ATTACHMENT 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

REPORTS FROM THE DIRECTOR ENGINEERING

28 [E-CM] Classification of Land as Operational - Tweed Heads South

453

**Cr P Allsop
Cr R Cooper**

RESOLVED that

1. Council approves the transfer to Council of proposed Lot 16 in the plan of subdivision of Lot 211 DP1231622 (subdivision of part of Lot 11 DP 1163855) at Tweed Heads South, and
2. Proposed Lot 16 in in the plan of subdivision of Lot 211 DP1231622 (subdivision of part of Lot 11 DP 1163855) be classified as Operational Land pursuant to Section 31 of the Local Government Act, 1993, and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [E-CM] Classification of Land as Operational - Walmsleys Road Reservoir - Lot 1 DP 1189989

454

**Cr P Allsop
Cr R Cooper**

RESOLVED that Council, in accordance with Section 31 of the Local Government Act, 1993, classify Lot 1 DP1189989 as operational land.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [E-CM] Road Closure Application - Tumbulgum Road, Tyngah

455

Cr P Allsop

Cr R Cooper

RESOLVED that:

1. Council approves the closure and purchase of a section of road reserve adjacent to Lot 1 in DP136687 at Tumbulgum Road, Tyngah, and
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer, and
3. The title of the closed road is consolidated with the adjacent land, and
4. Easements be created over public authority reticulation services, if any, and
5. All necessary documentation be executed under Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [E-CM] Road Closure Application - Lakeview Parade, Tweed Heads South

456

Cr P Allsop

Cr R Cooper

RESOLVED that Council

1. Approves the closure of part of the road reserve adjacent to Lots 6 and 7 Section 18 in DP 28390, Lakeview Parade, Tweed Heads South;
 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
-

3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any;
5. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [E-CM] Plan of Management - Lot 6 DP 872039 - Hastings Road, Bogangar

457

**Cr K Milne
Cr C Cherry**

RESOLVED that the draft Plan of Management for Lot 6 in DP 872039 be placed on exhibition for 28 days allowing a submission period of 42 days and that during the submission period a public meeting be held in respect of the plan to be followed by a Councillor workshop.

The Motion was **Carried**

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

33 [E-CM] Community Membership on Floodplain Management Committee

458

**Cr C Cherry
Cr K Milne**

RESOLVED that Council appoints Steven Smith from the Tumbulgum Community Association as a community representative on the Floodplain Management Committee, and Jennifer Kidd as his alternate.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [E-CM] Traffic Safety - Bilambil Heights Roundabout

459

Cr R Byrnes

Cr K Milne

RESOLVED that:

1. The installation of a temporary roundabout be pursued for the intersection of Bilambil Road/Scenic Drive/Simpson Drive/McAllisters Road, to be funded under the traffic facilities budget with a report to be submitted to the Local Traffic Committee for consideration of the final design.
2. Minor modifications to improve sight distance be made to the naturestrip on the south/west corner of the intersection of Bilambil Road/Scenic Drive/Simpson Drive/McAllisters Road as soon as resources permit.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [E-CM] Independent Review of Tweed District Water Supply and Demand Management

460

Cr K Milne

Cr C Cherry

RESOLVED that this item be deferred to 26 October 2017 Council Meeting.

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] Demand Management - Assistance for Non-Residential Water Customers

461

**Cr W Polglase
Cr J Owen**

PROPOSED that Council:

1. Proceeds with the Tweed's Business water saving program for non-residential water customers in November 2017, as detailed in this report.
2. Proceeds with the non-residential rebate for dual flush toilets to be launched in the 2018/19 financial year and endorses the methodology and main eligibility conditions being applied, as detailed in this report.

AMENDMENT

462

**Cr C Cherry
Cr K Milne**

RESOLVED that this item be deferred for a Workshop.

The Amendment 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

The Amendment on becoming the Motion was **Carried** - (Minute No 462 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

37 [E-CM] Policy - Section 64 Charges for Disaggregated Lots

463

**Cr K Milne
Cr C Cherry**

RESOLVED that Council adopts the Policy Section 64 Developer Charges for Disaggregated Lots Version 1.3.

The Motion was **Carried**

FOR VOTE - Unanimous

PROCEDURAL MOTIONS

464

**Cr W Polglase
Cr P Allsop**

RESOLVED that Items 38 to 54, with the exception of Item(s) 41 and 52 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

465

**Cr W Polglase
Cr P Allsop**

RESOLVED that Items 38 to 54, with the exception of Item(s) 41 and 52 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [E-CM] RFO2017085 Supply & Delivery of Ready-Mixed Concrete for Tweed Shire and Kyogle Councils

466

Cr W Polglase
Cr P Allsop

RESOLVED that in respect to RFO2017085 Supply and Delivery of Ready-Mixed Concrete:

1. Council awards Nucon Pty Ltd (ABN 32076781041 ACN 076781014) as the Primary Provider for Separable Portions 1 and 2 for the alternative offer, and Separable Portion 3 for the conforming offer.
2. Council awards Brims Concrete Pty Ltd (ABN 22110273679 ACN 110273679) as the Secondary Provider for Separable Portions 1, 2 and 3.
3. 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.
4. 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

39 [E-CM] RFO2017100 Quarry Road Pavement Rehabilitation

467

Cr W Polglase
Cr P Allsop

RESOLVED that in respect to RFO2017100 Quarry Road Pavement Rehabilitation:

1. Council awards the contract to East Coast Asphalt and Concrete Edging Pty Ltd (ABN 51755877285) for the amount of \$382,147.36 excluding 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

a39 [E-CM] Crown Land Management Regulation 2017

This item was dealt with earlier in the meeting (Minute No 428 refers)

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

40 [CS-CM] Review of Council's Delegations

468

Cr W Polglase

Cr P Allsop

RESOLVED that Council:

1. Confirms the delegations to the General Manager other than the functions of Council in accordance with Section 337 of the Local Government Act 1993.
2. Extends to the General Manager the following additional delegation under Section 377(1)(i) of the Local Government Act 1993:

The acceptance of tenders to provide services currently not provided by members of staff of the council to a maximum value of \$250,000 excluding GST.

3. Confirms the delegation to Rous County Council for the control of noxious weeds in Tweed Shire:

Being a local control authority under the Noxious Weeds Act 1993 (the Act) and pursuant to Section 68 of that Act:

- Delegates to Rous County Council the functions of Tweed Shire Council, as a local control authority, that are capable of being delegated under the Act.
- Delegates to the position of General Manager, Rous County Council the functions of Tweed Shire Council, as a local control authority, that are capable of being delegated under the Act.
- Delegates to the position of Manager Operations, Rous County Council the functions of Tweed Shire Council, as a local control authority, under Sections 12, 18, 18A, 20, 36A, 41, 45 and 64 of the Act.
- Delegates to the position of Manager Weeds Services, Rous County Council the functions of Tweed Shire Council, as a local control authority, under Sections 12, 18, 18A, 20(3), 36A, 45 and 64 of the Act.
- Delegates to the positions of Senior Noxious Weeds Officer and Noxious Weeds Officer Rous County Council the functions of Tweed Shire Council, as a local control authority, under Section 45 (excluding Section 45(2)(b)) of the Act."

The Motion was **Carried**

FOR VOTE - Unanimous

41 [CS-CM] Code of Conduct - Panel of Conduct Reviewers

This item was considered in Confidential Session.

42 [CS-CM] Local Government NSW Annual Conference - Motions

469

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council submits the following motions for consideration at the Local Government NSW 2017 Annual Conference.

1. Review of Natural Disaster Relief and Recovery Arrangements (NDRRA)

That Local Government NSW requests that the New South Wales State Government, specifically the Office of Emergency Management and the Office of Local Government, pursues with urgency a review of Natural Disaster Relief and Recovery Arrangements (NDRRA) with the Commonwealth Government.

The review process should include consultation between the state, Floodplain Management Australia (FMA) and all NSW Local Government Councils which have endured Natural Disaster Declarations since the 2012 NDRRA determination, to ensure NSW NDRRA guidelines maximise Councils' ability to support community recovery from natural disasters.

2. Booking Tax or Tariff for Online Accommodation Brokers

That Local Government NSW lobby the Federal and State/Territory Governments to consider instituting into the appropriate taxation systems a 'Booking Tax or tariff' for online accommodation brokers such as 'Airbnb' utilising residential zoned and rated land, in a similar method to the levying of the Hospitality Tax currently being applied in the United States of America and that funds raised be distributed by way of formula to Local Government Authorities and National Parks to fund public infrastructure that supports and underpins tourism.

3. Flood Buyback

That Local Government NSW request that respective State, Territory and Federal Governments develop measures or increase recurrent annual funding to either:

- a) Provide a relocation assistance package or
- b) Acquire through a voluntary purchase scheme; for residential, commercial or industrial land identified in local council flood studies as high impact flood prone land or provide an impediment to the flood plain to increase flood resilience and lessen the social, environmental and economic impacts of recurring natural disasters.

4. Sustainability Rating Tools to Support Planning and Development

That Local Government NSW calls on the NSW Ministers for Planning and Environment to direct the Department of Planning and Environment in association with other State agencies such as the Office of Environment and Heritage to take the following steps to embed the use sustainability rating tools in master-planning and subdivision design processes to deliver measurable and actionable sustainable and equitable outcomes in new communities:

- Establish a performance framework and policy comprising of:
 - indicators derived in consultation with local communities that translate state and local government commitments and community aspirations for improved 'sustainability', 'liveability', 'resilience' and 'productivity' outcomes as mandated minimum quantifiable performance standards; and
 - guidance and conditions for the use of sustainability and multi-criteria assessment and rating tools in the master-planning and subdivision design of new precincts and neighbourhoods, to model future trajectories and growth scenarios of urban settlement options and explore innovative and locally suitable solutions to meet mandated minimum performance standards.
- Review Environmental Planning & Assessment Act, Local Government Act and associated Integrated Planning and Reporting Framework, and supporting Regulations and statutory mechanisms and policies to embed the use and outputs of sustainability rating tools in master-planning and subdivision design processes in planning and development assessment decisions, including but not limited to:
 - Integrate IP&R requirements with statutory planning mechanisms that ensure alignment of local strategic community and land-use plans and state planning policies;
 - Reviewing Local Environmental Plan Standard Instrument Template definitions and Model Provisions; and
 - Increasing the statutory weight of development controls.

- Expand and leverage BASIX online scheme and ePlanning services to establish a Performance Monitoring and Reporting framework based on rigorous and independent research and technical data captured from development activity. This can serve as an evidence-base for sustainability rating tools, enable a line of sight between the hierarchy of strategic policy objectives, monitoring, reporting and auditing of plans and development supply change, and evaluation of the efficacy of the planning system against outcomes.
5. Government Grant Submission Timeframes
That Local Government NSW advocates for the State and Federal Government to provide sufficient timeframes for grant applications.
 6. State Review of Private Native Forestry
That Local Government NSW requests the NSW Minister for the Environment / Office of Environment and Heritage and associated State agencies such as Resources NSW and Department of Planning and Environment to conduct a comprehensive review of the private native forestry approvals in the State to improve the rigour and transparency of process and outcomes, including:
 - technical requirements for risk and impact assessment of significant scenic, ecological, Aboriginal and European cultural heritage and economic values;
 - engagement with community and local government;
 - where approved, conditions of Plans of Management; and
 - Implementation, monitoring and evaluation of outcomes.
 7. Increased Funding for Arterial Roads
That Local Government NSW requests the NSW roads and Maritime Services to review its classification threshold of 100,000 persons for Major Urban Centres which limits the RMS responsibility for major arterial roads to Sydney, Newcastle, Wollongong and the Central Coast (Gosford and Wyong LGAs) in light of the population pressures which many local authorities are experiencing, the cost to construct this infrastructure and the high corresponding development charges.
 8. Environmental Accounting
That Local Government NSW requests the State Government to investigate the benefits, practicalities and costs of introducing Environmental Accounting information into Local Government Reporting.
 9. Minimum Increase in Rate Peg Amount of 3% per Annum
That Local Government NSW advocates the NSW State Government for a minimum increase in the Rate Peg amount of 3% per annum.
 10. Pensioner Rebates – Review of limits and level of subsidy
That Local Government NSW requests the State Government to fund an increase in the Concessions for pensioners legislated under Section 575 of the Local Government Act 1993 (NSW).

The Motion was **Carried**

FOR VOTE - Unanimous

43 [CS-CM] RFO2017060 Printing and Distribution of Tweed Link

This item was considered in Confidential Session.

44 [CS-CM] 2017/2018 Events Sponsorship Funding - Tweed River Agricultural Society Ltd t/a The Murwillumbah Show

470

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council enters into a one-year Events Sponsorship Agreement with the Tweed River Agricultural Society Ltd (ABN 70 003 366 407), in the amount of \$7,500, to cover expenses such as printing/marketing; liquor licence; cleaning, and security associated with the conduct of the Murwillumbah Show from Friday 3 to Saturday 4 November 2017.

The Motion was **Carried**

FOR VOTE - Unanimous

45 [CS-CM] Postponement of 2017 Rhythmicana Festival

471

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council withdraws its three-year financial support from Rhythmicana Fest Pty Ltd (ABN 37 618 666 630) for the conduct of the Rhythmicana Festival.

The Motion was **Carried**

FOR VOTE - Unanimous

46 [CS-CM] Multi-Year Events Sponsorship Agreement - Tweed Foodie Fest Inc

472

Cr W Polglase
Cr P Allsop

RESOLVED that:

1. That Council terminates the three-year Events Sponsorship Agreement between Tweed Shire Council and Tweed Foodie Fest Pty Ltd (ABN 251 85 564 231) for the conduct of four Taste the Tweed street events and two Taste the Tweed Tours.
2. Invites Tweed Foodie Fest Inc. to make application for funding under the 2018/2019 Events Sponsorship funding round for the conduct of any future events.
3. ATTACHMENT 1 is 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

47 [CS-CM] Expression of Interest to host the 2019 and 2020 NSW Country Surf Life Saving Championships

473

Cr W Polglase
Cr P Allsop

RESOLVED that Council:

1. Endorses the Cudgen Headland Surf Life Saving Club's submission of the Expression of Interest to host the 2019 and 2020 NSW Country Surf Life Saving Championships and provides a letter of support.
2. Supports the 2019 and 2020 NSW Country Surf Life Saving Championships with an allocation of a maximum of \$15,000 per event as a combination of cash and resource support in the 2018/2019 and 2019/2020 budget years on the successful awarding of the Championships to the Cudgen Headland Surf Life Saving Club.

The Motion was **Carried**

FOR VOTE - Unanimous

48 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 August 2017

474

**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 August 2017 totalling \$303,266,037 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

49 [CS-CM] In Kind and Real Donations - April to June 2017

475

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council notes the total donations of \$111,103.86 for the period April to June 2017.

The Motion was **Carried**

FOR VOTE - Unanimous

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

50 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Wednesday 26 July 2017

476

Cr W Polglase
Cr P Allsop

RESOLVED that:

1. The Minutes of the Tweed Coast Koala Management Committee Meeting held Wednesday 26 July 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A6. Pacific Motorway Pottsville fauna overpass

That Council, through the General Manager and the Mayor, writes to Roads and Maritime Services requesting an onsite meeting with Roads and Maritime Services staff to discuss management of the overpass in relation to maintenance of fencing, weed control, infill planting, vertebrate pest control and the opportunity for Council to undertake works on a cost recovery basis. These works are essential in order for the koala movement infrastructure to function effectively and mitigate the impact of highway construction on the local koala population.

The Motion was **Carried**

FOR VOTE - Unanimous

51 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 August 2017

477

**Cr W Polglase
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 August 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A3. Jack Julius Park

That the Aboriginal Advisory Committee:

1. *supports Council putting the submission to the Caveator with the intent of procuring from them a withdrawal of the Caveat in accordance with Council's resolution of 20 July 2017, Item No. 31.*
2. *should the Caveator not withdraw the Caveat after 60 days, that Council write to the LPI requesting that the Caveat lapse.*
3. *supports Council defending any application lodged by the Caveator in the Supreme Court.*

A4. DA17/0383 Caravan Park at 355 Tomewin Road, Dungay - Denise Galle (Tweed Shire Council)

That in the event that Council were to approve DA17/0383 for a proposed Caravan Park at 355 Tomewin Road, Dungay, the Aboriginal Advisory Committee recommends that the recommendations in the Due Diligence report prepared by Virtus Heritage for the site be imposed as a restriction on the Certificate of Title as a 88B restriction as to user.

The Motion was **Carried**

FOR VOTE - Unanimous

52 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held 9 August 2017

478

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held 9 August 2017 be received and noted; and
2. Council notes Tweed Coast and Waterways Committee request for a Management Strategy and that this be noted at the Workshop of 20 October 2017.
3. Council notes that the Tweed Coast and Waterways Committee considers the recent film production at Hastings Point is of an inappropriate scale with respect to community exclusion and environmental impacts, and that this be noted at the Workshop of 20 October 2017.

The Motion 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

53 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 16 August 2017

479

**Cr W Polglase
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 16 August 2017 be received and noted.
2. The Executive Management Team's recommendations be adopted as follows:

OM3. Terms of Reference

That the Terms of Reference for the Equal Access Advisory Committee be updated as agreed by the Committee at its meeting on 16 August 2017, a copy of which is attached to the Minutes.

The Motion was **Carried**

FOR VOTE - Unanimous

54 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 17 August 2017

480

**Cr W Polglase
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 17 August 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1. [LTC] Battle Recharge - 23 to 25 September 2017

That the proposed Battle Recharge on Saturday 23 September to Monday 25 September 2017 be supported subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Cycling/Triathlon NSW.*
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.*
5. *The event organiser notifies Tweed Shire 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 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.*

A2. [LTC] Tweed Coast Enduro 8 - 10 February 2018

That the proposed Tweed Coast Enduro Triathlon from Thursday 8 February to Saturday 10 February 2018 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Triathlon Australia.*
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.*

A3. [LTC] Kingscliff Triathlon 2 to 3 December 2017

That the proposed Kingscliff Triathlon on Saturday 2 December to Sunday 3 December 2017 be supported subject to:

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by Bicycle NSW.*
- 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.*

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

481

**Cr R Byrnes
Cr P Allsop**

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

482

**Cr C Cherry
Cr R Byrnes**

RESOLVED that the Committee resumes in Open Council.

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 FROM THE GENERAL MANAGER IN COMMITTEE**C1 [GM-CM] CONFIDENTIAL: Tourism Promotion and Marketing Options****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 77

That Council

1. Undertakes an Expression of Interest process to determine suitable applicants to be invited to selectively tender to provide Tourism Services.
2. Engages Local Government Procurement to assist with Expression of Interest process in the terms outlined as Stage 1 in this report.
3. Subject to a further report to Council outlining the preferred applicants to the Expression of Interest, Local Government Procurement be engaged to assist with the selective tender process in the terms outlined as Stage 2 in this report.

| STAGE 1 (Complete EOI Process) | |
|---|--------------------|
| Project Scope 1 & 2 – Request for Quotation for Probity Service Provider and Engagement of a Consultant to develop Specifications for EOI | \$5,940.00 per RFQ |
| Project Scope 3 – Request for Expression of Interest Management of Tourism Services | \$15,840.00 |
| STAGE 1 TOTAL | \$27,720.00 |
| Stage 2 (Compete EOI & Tender Processes) | |
| Project Scope 4 – Selective Tender for Management of Tourism Services | \$7,920.00 |
| STAGE 1 & 2 TOTAL | \$35,640.00 |

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

41 [CS-CM] Code of Conduct - Panel of Conduct Reviewers

Item 41 was moved from the Ordinary Agenda into the Confidential Session

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: -

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

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

C 78

That Council appoints the following Code of Conduct Review Panel members for the period ending 31 August 2021:

| Nominee | Person/Company | Locality |
|----------------------|-------------------------------|--------------|
| Nicolas A P Harrison | Nicolas A P Harrison | Lismore |
| Michael Symons | Michael Symons | Sydney |
| Graham Evans | O'Connell Workplace Relations | Sydney |
| Peta Tumpsey | Tress Cox Lawyers | Sydney |
| Monica Kelly | Prevention Partners | Sydney |
| Chris Gallagher | Chris Gallagher Consulting | The Entrance |
| Alison Cripps | Cripps Consulting | Mosman |
| Kath Roach | Sinc solutions | Glebe |
| Phil O'Toole | Centium | Sydney |
| Emma Broomfield | Locale Consulting | Woolgoolga |

Cr J Owen temporarily left the meeting at 09:57 PM.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

ABSENT-DID NOT VOTE - Cr J Owen

43 [CS-CM] RFO2017060 Printing and Distribution of Tweed Link

Item 43 was moved from the Ordinary Agenda to the Confidential Session.

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: -

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

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

Cr J Owen has returned from temporary absence at 09:59 PM

C 79

That in respect to RFO2017060 Printing and Distribution of Tweed Link Council, in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, declines to accept any of the tenders and further in accordance with Clause 178(3)(e) enters into negotiations in regard to but not limited to advertising rates and distribution with a view to entering into a Contract in relation to the Request for Offer.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Allsop

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Cr K Milne

Cr C Cherry

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 10.40pm.



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

Chairman