

**Mayor:** Cr K Milne

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

# Minutes

## Ordinary Council Meeting Thursday 26 October 2017

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

# Principles for Local Government

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

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

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

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

### (2) Decision-making

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

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

### (3) Community participation

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

The Meeting commenced at 5.37pm.

### **IN ATTENDANCE**

Cr Katie Milne (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Pryce Allsop, Cr Chris Cherry, 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 David Oxenham (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 Ms Ann Mesic (Minutes Secretary).

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer read by the General Manager

### **CONFIRMATION OF MINUTES**

#### **1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 September 2017**

**497**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 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**

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**2 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held on Thursday 21 September 2017**

**498**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that the Minutes of the Extraordinary Council Meeting held on Thursday 21 September 2017 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**3 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Wednesday 27 September 2017**

**499**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that the Minutes of the Extraordinary Council Meeting held Wednesday 27 September 2017 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**4 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 5 October 2017**

**500**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that the Minutes of the Ordinary Council Meetings held Thursday 5 October 2017 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

**Cr K Milne** declared a Non-Significant, Non-Pecuniary conflict of interest in Item 35 [E-CM] Policy - Provision of Wholesale Water Supply and Wastewater Services

The nature of this interest is defamation proceedings with the Chair of LEDA, Mr Bob Ell.

**Cr K Milne** will remain in the Chambers during discussion and will vote on the merits of the item.

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

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **5 [SOR-CM] Schedule of Outstanding Resolutions as at 26 October 2017**

The Schedule of Outstanding Resolutions as at 26 October 2017 was received and noted.

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## **MAYORAL MINUTE**

### **6 [MM-CM] Mayoral Minute for September 2017**

**501**

**Cr K Milne**

**RESOLVED** that:

1. The Mayoral Minute for the month of September 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## RECEIPT OF PETITIONS

### 7 [ROP-CM] Receipt of Petitions

There were no petitions received.

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## SUSPENSION OF STANDING ORDERS

502

Cr J Owen  
Cr P Allsop

**RESOLVED** that Standing Orders be suspended to deal with Items 45, 43, 9 and 10 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

It was noted that a presentation was made by Reiky Jiang from the Audit Office accompanied by Adam Bradfield from Thomas Noble Russell. It was further noted that the Chair of the Audit, Risk and Improvement Committee, Colin Wight was also present at the meeting.

### 45 [CS-CM] Audit, Risk and Improvement Committee Report for Year Ended 30 June 2017

503

Cr J Owen  
Cr W Polglase

**RESOLVED** that Council receives and notes the Audit Committee Annual Report highlighting its activities for the financial year ended 30 June 2017.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**43 [CS-CM] 2016/2017 Draft Statutory Financial Reports**

**504**

**Cr W Polglase**

**Cr P Allsop**

**RESOLVED** that:

1. In accordance with Section 413(1) of the Local Government Act 1993, Council refers the General Purpose Financial and Special Purpose Financial Reports for audit.
2. The statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413(2)(c) of the Local Government Act 1993 and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting for the financial period 2016/2017, be executed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**9 [NOM] Private Native Forestry**

**505**

**Cr K Milne**

**Cr R Byrnes**

**RESOLVED** that Council:

1. Notes that Tweed Shire has the highest biodiversity of remnants in Australia of the Ancient Gondwana Rainforests which are of international significance and much which are contained within private lands.
2. Notes the appalling situation of State Government reliance on existing records only to determine conditions for Private Native Forestry licences, and the complete lack of any on ground ecological studies required to determine whether critical flora and fauna or cultural heritage would be at jeopardy.
3. Notes that Tweed's forests have not been mapped in detail in many places, such as the Hewittville property at Limpinwood currently being investigated for unauthorised works for the third time.
4. Calls on the State Government and makes representations for an urgent moratorium on any further issuing of Private Native Forestry licences for native forests (i.e. not native plantation forests) in the Tweed Shire, until a review of the existing legislation is completed.

5. Holds a workshop on the suitability and safety of the external road network for the Hewittville logging vehicles.
6. Undertakes an urgent review of the ecological values of the Hewittville property at Limpinwood to ascertain if this site warrants a rezoning to better reflect and protect the environmental values of the site and brings back a report to Council to consider this matter.

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**

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## 10 [NOM] Stop Adani Campaign

506

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that Council:

1. Notes the Stop Adani campaign event in Cabarita and around Australia for the National Stop Adani Day of Action on 7 October 2017 to support the farmers directly affected and the wider communities' concerns over this mine.
2. Notes the plan to extract 2.3 billion tonnes of coal from Adani's planned mine which would result in 4.6 billion tonnes of CO<sub>2</sub> emissions, along with the extraction of billions of tonnes of groundwater from the Galilee Basin, and the potential for pollution of this groundwater source.
3. Writes to the Prime Minister, the Hon. Mr Malcolm Turnbull and Queensland Premier, the Hon. Ms Anastacia Palaszczuk to express in the most respectful terms our extreme concern for the Adani mine.
4. In regard to civil construction tenders Council resolve to include additional selection criteria for disclosure of any involvement in providing services to, or contracting for, the development and operation of Carmichael mine.
5. In order to provide guidance to staff for future procurement Council considers a policy position on trading with entities that provide services to the Carmichael mine, and this be done in a workshop to be held as soon as possible followed by a formal resolution of Council.

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**

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## RESUMPTION OF STANDING ORDERS

507

Cr K Milne  
Cr C Cherry

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## ORDERS OF THE DAY

Nil.

8            **[NOM] Kingscliff Foreshore Park**

508

Cr W Polglase  
Cr C Cherry

**RESOLVED** that Council:

1. Reconsiders the naming of the Kingscliff Foreshore Park to an appropriate name which represents the character of the area.
2. Invites submissions from the Tweed Shire community and Aboriginal Advisory Committee on renaming the Foreshore Redevelopment park in accordance with Council's Naming of Council Parks and Sportsfields Policy.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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9            **[NOM] Private Native Forestry**  
This item was dealt with earlier in the meeting (Minute No. 505 refers)

10          **[NOM] Stop Adani Campaign**  
This item was dealt with earlier in the meeting (Minute No. 506 refers)

**11 [NOM] Greening our Shire**

**509**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** to defer to 16 November 2017 Council meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**12 [NOM] Insulation and Air Tight Buildings**

**510**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** to defer to 16 November 2017 Council meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**13 [NOM] Sustainable Building Materials for Council Facilities**

**511**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council holds a workshop on reviewing the environmental design guidelines and to incorporate the use of sustainable and/or recycled building materials in all new Council buildings and facilities wherever possible and reasonable.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**14 [NOM] Tweed Regional Art Gallery and Margaret Olley Art Centre**

**512**

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Council holds a workshop in regard to the Tweed Regional Art Gallery and Margaret Olley Art Centre.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**SUSPENSION OF STANDING ORDERS**

**513**

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Standing Orders be suspended to deal with Item 44 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**44 [CS-CM] Carry Over Works from 2016/2017 to 2017/2018 Budget**

Cr J Owen temporarily left the meeting at 06:49 PM.  
*Cr J Owen has returned from temporary absence at 06:54 PM*

**514**

**Cr K Milne**  
**Cr R Byrnes**

**RESOLVED** that:

1. Council adopts the Carry Over Works 2016/2017 and the expenditure and income, as detailed within the report, be applied to the 2017/2018 Budget with an amendment to Freedom Camping Facilities, Burringbar being reduced to \$49,600 and an additional \$10,000 allocated in the 2017/2018 financial year to Tweed Valley Wildlife Carers in excess of the amount currently specified in the Financial Assistance to Licenced Not For Profit Animal Welfare Groups Policy.

2. The General Manager inform the 2018/2019 budget by reviewing Council's Financial Assistance to Licenced Not For Profit Animal Welfare Groups Policy to increase recurrent funding to Tweed Valley Wildlife Carers.
3. Council writes to the State Government and Local Members to make a recurrent match of Council's contribution for Tweed Valley Wildlife Carers and that Council provides a letter of support to the Tweed Valley Wildlife Carers in support of any application to the Local Members Community Grants programs.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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### **ADJOURNMENT OF MEETING**

Adjournment for dinner at 7.13pm.

### **RESUMPTION OF MEETING**

The Meeting resumed at 7.59pm

### **RESUMPTION OF STANDING ORDERS**

**515**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**15 [NOM] Tweed Valley Wildlife Carers**

**516**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that the motion be withdrawn as it was dealt with at Item 44.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**16 [NOM] Supporting Small Businesses**

**517**

**Cr K Milne**

**Cr J Owen**

**RESOLVED** that Council:

1. Notes the Business Council of Australia recently wrote to Council to request that we become a signatory to the Australian Supplier Payment Code which is a voluntary initiative to improve payment times to small business suppliers and across the economy.
2. Council becomes a signatory to the Australian Supplier Payment Code.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**QUESTIONS ON NOTICE**

Nil.

**REPORTS THROUGH THE GENERAL MANAGER**

**REPORTS FROM THE GENERAL MANAGER**

**17 [GM-CM] Review of Organisation Structure**

**518**

**Cr K Milne**

**Cr C Cherry**

**RESOLVED** that, in accordance with Section 333 of the Local Government Act 1993, Council endorses the retention of the higher order organisation structure adopted by Council in 2014 of:

General Manager  
Director Corporate Services  
Director Engineering  
Director Planning and Regulation  
Director Community and Natural Resources.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**18 [GM-CM] Telecommunications Infrastructure on Council Land**

**519**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council adopts the draft Telecommunications Facilities on Council Owned Land (v1.3) as a Council Policy under the Local Government Act.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**19 [GM-CM] Tweed River Nature Link Project - Update**

**520**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council receives and notes the report on Tweed River Nature Link Project - Update.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**20 [PR-CM] Northern Joint Regional Planning Panel - Review of Council Appointed Panel Members - Recommended Appointment**

**521**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council defers this report to the Council meeting of 16 November 2017 and request the Northern Joint Regional Planning Panel to provide a record of Panel members voting patterns on previous matters involving the Tweed Shire during the current term.

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**

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**21 [PR-CM] Short-term Holiday Letting - Tweed Council's Submission Reply to the NSW Department of Planning and Environment's Option Paper**

**ALTERNATE MOTION**

**522**

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that the attached draft submission attached to this report be amended to state at the start that:

*"The main and overriding issue for short term holiday letting for the Tweed Shire is the concern that it has the potential to exacerbate the already extreme lack of affordable housing and homelessness in the Tweed.*

*The primary concern must always be the basic right to access shelter for our community.*

*If social and affordable housing was better provided for, short term holiday letting would not be such a major concern, providing it was properly regulated so it did not impact on the neighbourhood and Council was able to properly recoup the infrastructure costs associated with this tourist use."*

and be forwarded to the NSW Government in response to their Options Paper on Short-Term Holiday Letting.

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**

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**22 [PR-CM] Tweed Development Control Plan (DCP) Section A17 - Business, Enterprise Corridor and Industrial Zones - Amendment Border Park Site, Binya Avenue, Tweed Heads**

**523**

**Cr P Allsop  
Cr R Cooper**

**RESOLVED** that:

1. Council endorses the Draft Tweed DCP Section A17 - Business, Enterprise Corridor and Industrial Zones – Amendment Part 8.2 Border Park site, Ourimbah Road, Tweed Heads for public exhibition for the minimum statutory period of 28 days; and
2. Following review of submissions received during public exhibition a further report be submitted for Council's consideration detailing the submissions and any proposed amendments.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**524**

**Cr W Polglase  
Cr P Allsop**

**PROPOSED** that:

1. 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.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.



The Motion was **Lost**

**FOR VOTE - Cr W Polglase, Cr P Allsop**

**AGAINST VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen**

**525**

**Cr R Cooper**

**Cr C Cherry**

**RESOLVED**

1. Council advises the applicant that 100% Section 94 Plan No. 23 Offsite Parking (CP23) contribution offset cannot be supported at the subject site for the proposed chemist and medical centre uses, and that the proponents should consider less parking dependent uses for the site and/or the provision for some onsite parking for staff and customers with a smaller percentage of car parking being offset by CP23 contributions.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

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

**AGAINST VOTE - Cr W Polglase, Cr P Allsop**

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**24 [PR-CM] Unlawful Development and Land Use - Lot 5 DP 631620 No. 656 Upper Crystal Creek Road Upper Crystal Creek**

**526**

**Cr J Owen**

**Cr P Allsop**

**RESOLVED** that in relation to the unlawful construction at No. 656 Upper Crystal Creek Road, Upper Crystal Creek:

1. Council endorse the issuing an Order (Order No.2) for *demolition* via Section 121B of the Environmental Planning and Assessment Act 1979 No 203;
2. Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *construction* of the building without consent; and

3. Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *use* of the building without consent.

#### **AMENDMENT 1**

**527**

**Cr K Milne  
Cr C Cherry**

**PROPOSED** that in relation to the unlawful construction at No. 656 Upper Crystal Creek Road, Upper Crystal Creek the item be deferred to the Council meeting of 16 November 2017 and the owner be ordered to not allow any habitation of the building in the interim.

#### **PROCEDURAL MOTION**

**528**

**Cr W Polglase  
Cr J Owen**

**RESOLVED** that the Motion be put.

The Motion was **Carried**

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

Amendment 1 was **Lost**

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

#### **AMENDMENT 2**

**529**

**Cr K Milne  
Cr R Byrnes**

**PROPOSED** that in relation to the unlawful construction at No. 656 Upper Crystal Creek Road, Upper Crystal Creek:

1. Council endorse the issuing an Order (Order No.2) for *demolition* via Section 121B of the Environmental Planning and Assessment Act 1979 No 203;
2. Council endorse the issue of a Penalty Infringement Notice for *Development Without Development Consent* via Section 76A(1)(A) of the Environmental Planning and Assessment Act 1979 No 203 for the unlawful *construction* of the building without consent.

Amendment 2 was **Lost**

**FOR VOTE - Cr R Byrnes**

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

The Motion was **Carried** (Minute No. 526 refers)

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

**AGAINST VOTE - Cr C Cherry, Cr K Milne**

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**25 [PR-CM] Draft Compliance Policy**

Cr W Polglase temporarily left the meeting at 09:06 PM.

**530**

**Cr J Owen**

**Cr C Cherry**

**RESOLVED** that Council adopt the Draft Compliance Policy, as amended, and as provided in an attachment to this report.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 26 [CNR-CM] Renewable Energy Action Plan

Cr W Polglase has returned from temporary absence at 09:07 PM

531

Cr P Allsop  
Cr J Owen

**PROPOSED** that Council:

1. Adopts the Renewable Energy Action Plan including:
  - Staged renewable electricity targets for Council:
    - 25% of Council's electricity use self-generated from solar by 2022, compared to 2016/2017 use;
    - 50% of Council's electricity use self-generated from solar, incorporating storage, by 2025, compared to 2016/2017 use,noting that the target deliverables are subject to funding and cost reduction foreshadowed.
2. Submits funding requests in the 2017/2018 September Budget Review and the 2017/2027 Long Term Financial Plan for \$2.2 million which includes \$1M for water and sewer facilities, \$1.2M for general fund facilities, and/or seek grant funding where possible, to complete the Phase One energy efficiency and solar projects in the REAP which will include \$937,506 to be expenditure in 2017/2018, \$883,137 in 2018/2019 and \$413,721 in 2019/2020.
3. Submits funding requests as part of the 2018/2019 budget cycle to amend the 2017/2027 Long Term Financial Plan to include \$3 million for street lighting upgrade in 2020/21, subject to a further detailed business case.
4. Requests a report to be brought forward to Council on the cost-effectiveness of increasing solar and adding batteries to reach the 2025 target of 50% of Council's electricity self-generated from solar, once industry predictions of a 40% decrease in solar storage costs compared to 2016/2017 take shape.
5. Endorses the use of \$50,000 per annum from the existing Climate Change Funds for a part time Energy Projects Officer on a fixed term basis to implement the Phase One REAP projects and help Council implement strategic energy management systems and practices.
6. Notes that savings generated from these projects will all be used to pay back the initial capital investment, with the ongoing savings to be allocated to renewable energy assets.

**AMENDMENT 1**

**532**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** that this item be deferred to the Council meeting of 2 November 2017.

Amendment 1 was **Carried**

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

Amendment 1 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 W Polglase  
AGAINST VOTE - Cr J Owen, Cr P Allsop**

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**27 [CNR-CM] Silver Sponsorship at the 12th Mosquito Control Association of Australia Conference**

**533**

**Cr W Polglase  
Cr J Owen**

**RESOLVED** that:

1. Council commits to be a Silver Sponsor of the 12th Mosquito Control Association of Australia Conference to be held on the Tweed Coast in September 2018 with the funds to be jointly provided through existing budgets of the Natural Resource Management Unit and the Environmental Health Unit.
2. The Mayor or a delegate of the Mayor officially opens the 12th Mosquito Control Association of Australia Conference.

**AMENDMENT 1**

**534**

**Cr K Milne  
Cr R Byrnes**

**PROPOSED** that this item be deferred to the Council meeting of 16 November 2017.

Amendment 1 was **Lost**

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

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

The Motion was **Carried** (Minute No. 533 refers)

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

**AGAINST VOTE - Cr C Cherry**

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**28 [CNR-CM] Easter Events in Kingscliff**

**535**

**Cr W Polglase**

**Cr P Allsop**

**RESOLVED** that Council exclude events on Council managed land in the Kingscliff central business district over the Easter public holiday period.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**29 [CNR-CM] Cultural Plan 2017-2021**

**536**

**Cr K Milne**

**Cr C Cherry**

**RESOLVED** that this item be deferred to the Council meeting of 16 November 2017.

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**

**PROCEDURAL MOTION**

**537**

**Cr C Cherry**

**Cr J Owen**

**RESOLVED** that Items 30 to 42 be considered in block with the exception of Item 36

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The Motion was **Carried**

***FOR VOTE - Unanimous***

**PROCEDURAL MOTION**

**538**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that Items 30 to 42 be moved in block with the exception of Item 36

**30 [CNR-CM] Nullum House - Flood Mitigated Reinstatement**

**539**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that:

1. Nullum House be reinstated to the agreed design (Attachment 1) to reduce risk of loss during future flood and storm events.
2. Council enters into negotiations with Murwillumbah Community Centre Inc regarding a lease for Nullum House.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**31 [CNR-CM] Developer Contributions and Developer Charges for Community Organisations**

**540**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that Council places on public exhibition the draft Developer Contributions and Developer Charges for Community Organisations Policy v2.0 and advertises the draft policy for 28 days allowing 42 days for submissions.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**32 [CNR-CM] RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery**

**541**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that in respect to Contract RFO2017125 Detailed Design, Construction, Installation and Commissioning of a Chiller and Associated Equipment for the Tweed Regional Gallery:

1. Council awards the contract to Carseldine Air Conditioning Pty Ltd (ABN- 26 082 563 193, ACN- 082 563 193) for the amount of \$283,306.36 (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***

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**33 [E-CM] RFO2017086 Provision of Materials and Services to Operate and Maintain a Galaxy Master Key System and a Salto Electronic Security System**

**542**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that in respect to Contract RFO2017086 Provision of a Galaxy Master Key System and a Salto Electronic Security System:

1. Council awards the contract to Border Locksmiths and Electronic Security (ABN 21065668664, ACN 065668644) for both Separable Portion A (Galaxy Master Key System) and Separable Portion B (Salto Electronic Security System) for the rates



attached in CONFIDENTIAL ATTACHMENT 2 and for a contract period of 24 months with two 12 month extension options.

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***

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**34 [E-CM] RFO2017104 Supply of Fixed Term Full Time Hire of Vacuum Excavation Combination Truck**

**543**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that in respect to Contract RFO2017104 Supply of Fixed Term Full Time Hire of Vacuum Excavation Combination Truck:

1. Council awards the contract to Tox Free Solutions Pty Ltd (ABN 31127853561 ACN 127853561) for the amount of \$422,547.84 (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 mid contract and 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***

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**35 [E-CM] Policy - Provision of Wholesale Water Supply and Wastewater Services**

**Cr K Milne** declared a Non-Significant, Non-Pecuniary conflict of interest in Item 35 [E-CM] Policy - Provision of Wholesale Water Supply and Wastewater Services

The nature of this interest is defamation proceedings with the Chair of LEDA, Mr Bob Ell.

**Cr K Milne** will remain in the Chambers during discussion and will vote on the merits of the item.

**544**

**Cr C Cherry**  
**Cr J Owen**

**RESOLVED** that the Draft Policy - Provision of Wholesale Water Supply and Wastewater Services be placed on public exhibition for a period of 28 days and invites submissions for a period of 42 days.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

***A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLOR J OWEN. THIS RESCISSION MOTION WILL BE DEALT WITH AT THE COUNCIL MEETING OF 16 NOVEMBER 2017. THEREFORE THIS MATTER WAS NOT DEAL WITH.***

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**37 [E-CM] Disposal of Assets on Land Purchased for Clarrie Hall Dam**

**545**

**Cr C Cherry**  
**Cr J Owen**

**RESOLVED** that Council:

1. Approves the removal of the structures and infrastructure from Lot 6 DP 261570 now owned by Council.
  2. Enters into an agreement with the former landowner and occupier of Lot 6 DP 261570 for an amount up to \$5,000 for the clean-up of the site.
-

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**38 [E-CM] Western Drainage Scheme, Banora Point**

**546**

**Cr C Cherry**

**Cr J Owen**

**RESOLVED** that Council:

1. Approves in principle the expansion of the floating reed bed system in the drainage channel upstream of Fraser Drive as a measure to improve water quality in the Western Drainage Scheme.
2. Authorises expenditure of the balance of s94 Developer Contribution Plan No.2 - Banora Point West Drainage Scheme (CP02) on the expansion of the reed bed system, with the remainder to be used for the development and implementation of a landscaping / revegetation plan focusing on providing shading and amenity to the section of drain between the Club Banora Golf Club and Leisure Drive.
3. Considers additional recurrent funding of \$80,000 in the 2017/2018 September Quarterly Budget Review process towards increased periodic maintenance including weed harvesting of the Western Drainage Scheme.
4. Holds a workshop on the Annual Stormwater Management Services Charge (Stormwater Levy), so that it can be properly considered in budget deliberations for the 2018/2019 financial year.
5. Considers a one-off reallocation of funding of \$35,000 at the 2017/2018 September Quarterly Budget Review plus additional recurrent funding of \$20,000 for 3 years in the 2018/2019 Budget process towards the establishment and support of a local Landcare group to target land-based works around the Western Drainage Scheme, and for a water quality monitoring program with community involvement with the possibility of funding from a portion of the contributed funds held in the General Fund Reserve from the Banora Point Waste Water Treatment Plant upgrade.
6. Considers a one-off reallocation of funding of up to \$150,000 at the December Quarterly Budget Review towards sediment removal in high priority sections of the Western Drainage Scheme.
7. Adopts the addendum to the Western Drainage Scheme Operational Management Plan, to provide greater flexibility to conduct drainage maintenance without impacting on threatened species (comb-crested jacana).

8. Holds a workshop between Council officers, representatives of the Banora Point and District Residents Association, interested community members and Conservation Volunteers Australia to explore options to raise awareness about the Western Drainage Scheme for community involvement in managing the land adjacent, and the opportunity to introduce a Stormwater Management Services Charge.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**39 [E-CM] Jack Julius Park**

**547**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that Council:

1. Approves the lodgement of an Application for the Preparation of a Lapsing Caveat over Lot 66 DP 858466, known as Jack Julius Park at Kingscliff; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

---

**40 [E-CM] Food Vans**

**548**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that Council:

1. Continues with the current Policy limiting Food Vans to approved events and market sites on Council land and notes the current number of active Food Van approvals.
2. Encourages and guides proponents of Food Vans to operate from private land utilising the mechanisms contained within the Exempt and Complying Development (SEPP).

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**41 [E-CM] Classification of Land as Operational - 127 Commissioners Creek Road, Doon Doon**

**549**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that:

1. Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 2 in DP 261582 known as 127 Commissioners Creek Road, Commissioners Creek as "Operational Land".
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

***FOR VOTE - Unanimous***

---

**REPORTS FROM THE DIRECTOR CORPORATE SERVICES**

**42 [CS-CM] Audit, Risk and Improvement Committee Charter**

**550**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that the Audit, Risk and Improvement Committee Charter Policy be adopted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**43 [CS-CM] 2016/2017 Draft Statutory Financial Reports**  
This item was dealt with earlier in the meeting (Minute No. 504 refers)

**44. [CS-CM] Carry Over Works from 2016/2017 to 2017/2018 Budget**  
This item was dealt with earlier in the meeting (Minute No. 514 refers)

**45 [CS-CM] Audit, Risk and Improvement Committee Report for Year Ended 30 June 2017**

This item was dealt with earlier in the meeting (Minute No. 503 refers)

**46 [CS-CM] Pecuniary Interest Returns 2016/2017**

**551**

**Cr P Allsop**

**Cr K Milne**

**RESOLVED** that the Pecuniary Interest Returns for Designated Persons (Council Officers) for the period 1 July 2016 to 30 June 2017 and for Councillors elected at the 2016 October Local Government Election for the period 4 November 2016 to 30 June 2017 as tabled, be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**47 [CS-CM] Tweed Shire Australia Day**

**552**

**Cr R Byrnes**

**Cr K Milne**

**RESOLVED** that Council:

1. Not re-establish the Tweed Shire Australia Day Committee.
  2. Forms a Tweed Shire Australia Day Awards Selection Panel comprising 7 Councillors and the existing Awardees of the categories listed below, to consider Tweed Shire Australia Day Award nominations:
    - Citizen of the Year;
    - Arts and Culture (1 representative if a group);
    - Volunteer of the Year;
    - Sporting Achievement (1 representative if a group); and
    - Young Achiever of the Year.
  3. Hold the 2018 Tweed Shire Australia Day celebrations, which include the Citizenship Ceremony, at the Murwillumbah Auditorium.
  4. Respect the local Aboriginal Community members' position on Australia Day, as expressed through the Aboriginal Advisory Committee.
  5. Explore the engagement of a local Aboriginal artist for future gift ideas for Award recipients and new citizens on Australia Day.
-

6. Continues to support, from the Australia Day budget, applications for financial assistance of up to \$300 from non-profit organisations and community groups interested in hosting small community Australia Day events.
7. Does not register for an Australia Day Ambassador through the NSW Australia Day Council and instead nominates an Australia Day Ambassador local to the Tweed Shire.

The Motion was **Carried**

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

***AGAINST VOTE - Cr C Cherry***

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#### **PROCEDURAL MOTION**

**553**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that Items 48 to 60 be considered in block with the exception of Items 49 and 53.

The Motion was **Carried**

***FOR VOTE - Unanimous***

#### **PROCEDURAL MOTION**

**554**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that Items 48 to 60 be moved in block with the exception of Items 49 and 53.

The Motion was **Carried**

***FOR VOTE - Unanimous***

---

**48 [CS-CM] Model Code of Conduct**

**555**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that the Model Code of Conduct Version 2.0 be adopted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**49 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Review**

**556**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 2.1 be adopted with the amendment to Part 5.1 as per the report, and further, in accordance with Section 252(3) of the Local Government Act 1993 the giving of public notice be dispensed with as the amendments are not substantial and that the Mayor and General Manager or their delegate be granted final approval for Councillor expenses and the Policy be amended accordingly.

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***

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**50 [CS-CM] Review of Policies**

**557**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that Council:

1. Places the following policies on public exhibition for a period of 28 days seeking comments for 42 days.
  - Draft Council Utilities - Work in Proximity Version 1.3.



- Draft Cemeteries and Private Burials Version 2.0.
2. In accordance with Section 161(2) of the Local Government Act 1993, is of the opinion that the amendments are not substantial and that it adopts the Drinking Water Quality Policy v1.2.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**51 [CS-CM] Reviewing of White Ribbon Workplace Accreditation**

**558**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that:

1. Minute Number 574 of 22 October 2015:  
  
*"That Council becomes a White Ribbon Workplace"*  
  
be rescinded.
2. The Delivery Program 2017-2021 and Operational Plan 2017-2018, Sub-stream 4.2.2 - Human Resources and Work Health and Safety - Significant projects/works be amended by the deletion of:
  2. *White Ribbon Accreditation 2017-18*and the addition of:
  2. *People at Work Program 2017-18, 2018-19, 2019-20.*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**52 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2017**

**559**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that the Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**53 [CS-CM] Planning Committee and Council Meeting Dates to 30 June 2018**

**560**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that:

1. The December Council Meeting be conducted on Wednesday 13 December 2017 at the Murwillumbah Council Chambers commencing at 4.30pm for Community Access and 5.30pm for the Council meeting.
2. The Planning Committee and Council Meetings be conducted for the first six months of 2018 as per the following schedule:

<b>PLANNING COMMITTEE</b>		<b>COUNCIL MEETING</b>	
<b>Date</b>	<b>Venue</b>	<b>Date</b>	<b>Venue</b>
15 February 2018	Murwillumbah	15 February 2018	Murwillumbah
1 March 2018	Tweed Heads	15 March 2018	Tweed Heads
5 April 2018	Murwillumbah	19 April 2018	Murwillumbah
3 May 2018	Tweed Heads	17 May 2018	Tweed Heads
7 June 2018	Murwillumbah	21 June 2018	Murwillumbah

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**54 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 30 September 2017**

**561**

**Cr P Allsop**  
**Cr C Cherry**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 September 2017 totalling \$300,960,059 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**DELEGATE REPORTS**

Nil.

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**55 [SUB-CHAC] Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 2 August 2017**

**562**

**Cr P Allsop**  
**Cr C Cherry**

**RESOLVED** that the Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 2 August 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**56 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 6 September 2017**

**563**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 6 September 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**57 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 August 2017**

**564**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 August 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**58 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017**

**565**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 be received and noted; and
  2. The Executive Management Team's recommendations be adopted as follows:
    - A1. Robert Appo (Tweed Shire Council) (a) Kings Forest
-

That:

1. Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:
  - (a) what process was taken in relation to Aboriginal Cultural Heritage?
  - (b) what conditions apply re Aboriginal Cultural Heritage?
  - (c) is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?
  - (d) advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.
  - (e) that the Department advises the names of experts who have had input into the process and how they were selected.
2. A copy of the letter to the Department of Planning be forwarded to Everick.

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

GB4. Local Government Aboriginal Network Conference

That the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**59 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 5 September 2017**

**566**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that:

1. The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 5 September 2017 be received and noted; and

2. The Executive Management Team's recommendations be adopted as follows:
  1. Kings Forest – Environment Protection and Biodiversity Conservation Act (EPBC) Approval

That Council sends a letter to the NSW Minister for Environment and Local Government, the Hon. Gabrielle Upton, to thank her for her recent announcement of the state government's purchase of 100 ha of koala habitat; and to inform her of Tweed koala conservation and recovery issues including the Tweed Coast Comprehensive Koala Plan of Management, Tweed Brunswick endangered population, and the significance of the Kings Forest development including the current modification application.

3. Tweed Brunswick Endangered Population and Recovery Planning

That Council seeks to have the Tweed Coast Comprehensive Koala Plan of Management approved under Part 4, Division 6 of the Biodiversity Conservation Act 2016 as a Biodiversity Conservation Program.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**60 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 9 August 2017**

**567**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 9 August 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

**568**

**Cr C Cherry**  
**Cr K Milne**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

**569**

**Cr R Cooper**  
**Cr P Allsop**

**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**

**PROCEDURAL MOTION**

**570**

**Cr C Cherry**  
**Cr J Owen**

**RESOLVED** that Items C1 to C3 be considered in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**PROCEDURAL MOTION**

571

Cr C Cherry  
Cr J Owen

**RESOLVED** that Items C1 to C3 be moved in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**C1 [GM-CM] Murwillumbah Visitor Information Centre - Insurance Claim**

**REASON FOR CONFIDENTIALITY:**

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

**Local Government Act**

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

- (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 88**

That Council reinstates the Murwillumbah Visitor Information Centre as described in this report.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C2 [PR-CM] Tanglewood STP Upgrade Progress Update**

**REASON FOR CONFIDENTIALITY:**

The report contains legal advice and therefore is to be considered as a confidential report.

**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: -

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

**C 89**

That:

1. Council agrees to fund any financial shortfall to a maximum of \$60,958.70 subject to funding being available at the September 2017 Quarterly Budget Review (\$30,000 upfront and \$30,958.70 at the conclusion of all works and the new sewage solution is operational), in order to assist the other parties to resolve ongoing environmental and potential public health issues associated with Tanglewood Sewage Treatment Plant;
2. Council does not accept accountability for the existing STP and that Hillpalm remain responsible for operational and maintenance costs associated with the STP until an alternative solution is achieved or the ownership of the land containing the STP is transferred to the three body corporates; and
3. Council authorises the General Manager to enter into a Memorandum of Understanding between Tweed Shire Council, Owners Corporations and Hillpalm; that details the terms of the agreement including agreed timeframes; that clarifies that any unforeseen costs for the sewage solution are funded by the Strata Groups and that any unforeseen costs associated with the subdivision are funded by Hillpalm.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**C3 [CNR-CM] Tweed Shire Council Food and Organics Processing Facility Expressions of Interest - RFO2016178 - RFO Evaluation by Port Macquarie Hastings Council**

**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: -

- (e) information that would, if disclosed, prejudice the maintenance of law.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**C 90**

That:

1. Council notes the recommendations of Port Macquarie Hastings Council relating to the shortlisting of three companies for a selective tender process, probity and document preparation and management, for RFO2016178 - EOI for the Design and Construction of an Organics Processing Facility at the Stott's Creek Resource Recovery Centre.
2. Council engages the services of an independent third party procurement specialist to develop the tender documents and coordinate the procurement process in consultation with Tweed Shire Council through a competitive selective tender process involving the following companies:

<u>Bidder</u>	<u>ABN</u>
Kingston Building (Australia) Pty Ltd	61 124 250 335
Re Group Pty Ltd	84 166 255 947
Solo Resource Recovery (Rico Enterprises Pty Ltd ATF Rico Family Trust	62 398 515 816

3. Council invites the next ranked alternative provider from the list of Companies that submitted an EOI should any of the preferred Companies not be able or willing to enter into the Offer Process for the design and construction of an organics processing facility at the Stotts Creek Resource Recovery Centre.
4. A further report be prepared for Council on the results of the selective tender procurement process recommending a suitable applicant for the design and construction of an organics processing facility at the Stotts Creek Resource Recovery Centre.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**C4 [CS-CM] Television Filming Proposal Tweed Heads**

**REASON FOR CONFIDENTIALITY:**

In order to give initial consideration to this proposal, Council officers were required to sign a Confidentiality Agreement with the proponents Channel 7. A copy of this signed Agreement is provided as an attachment to this report.

**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 91**

That Council contact Channel 7 and request that they provide to Council written evidence from each of the immediately affected adjoining neighbours.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**572**

**Cr R Cooper  
Cr P Allsop**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 10.28pm.



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

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**Chairman**