

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 20 September 2018

held at
Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads
commencing at 5.50pm

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 5.50pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance), Ms Fran Silk (Project Leader - Media and Social), Ms Kareen Smith and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

The General Manager acknowledged the Bundjalung Aboriginal Nation in the Extraordinary Meeting held earlier 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

Council's Chaplain, Rev Chris Lindsay opened the Extraordinary Meeting held earlier with the following Prayer:

Gracious God,

We thank you for providing the breath of life each day. You give us the power to work, leisure to rest, and the capacity to love and be loved by others.

Help those appointed to represent us in this chamber to govern with compassion and justice. May they seek this public opportunity to serve the shire not for personal gain but for the welfare of others and our natural environment. Grant them interest in those they represent and insight into the diverse needs of our community.

Give all who work within the council a spirit of respect and peace with fellow workers. Help them find joy and satisfaction in serving this shire and may their efforts be productive for our common good.

And help us as a community; to respect, honour and encourage those who undertake civic leadership on our behalf.

In the name of Jesus Christ, we ask these things, Amen.

a1 [MM-CM] Acceptance Speech - Mayor K Milne

The Mayor, Cr Milne, thanked her fellow Councillors, Council staff and the Tweed community for their support.

"I also acknowledge the harmonious working relationship Councillors have had over the last two years.

The community and Council are still recovering from the devastating impacts of the extreme weather event of ex Cyclone Debbie and the loss of six beautiful lives.

While the community were heroic in rising to this challenge, there is no doubt that further events like this will greatly test our capacity for resilience.

In light of scientific warnings that if global warming is limited to between 1.5 and 2 degrees by 2100 that emissions must peak before 2020, and then rapidly decline, we must all make this the focus of efforts at this point in our history.

It is our primary responsibility to keep the community safe and we must be united in this. This cannot be just 'a green agenda', we cannot do this alone.

All levels of government, the community and media must rise to this challenge that is upon us right now, and play our utmost part in ensuring the wonderful sustainable future, that we know we can achieve if we all pull together on this."

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 August 2018

457

**Cr P Allsop
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 August 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-CM] Confirmation of Ordinary and Confidential Council Meetings held Thursday 6 September 2018

458

**Cr P Allsop
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 6 September 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr J Owen declared a Pecuniary Interest in Item 11 [CM-PR] Air Traffic Pollution. The nature of the interest is that Cr J Owen has a commercial relationship with The Gold Coast Airport through his employer. Cr J Owen will manage the Interest by vacating the Chamber during discussion and voting on this item.

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

Nil.

RATES INCENTIVE SCHEME 2018/19

a2 [MM-CM] Rates Incentive Scheme - 2018/19

The Public Officer informed the meeting that approximately 6000 ratepayers had paid their 2018/19 Council rates in full and were therefore eligible to be in the Draw for the three Rates Incentives Prizes.

The Mayor advised the meeting of the following:

The Rates Incentive Scheme is a small but integral component of Councils overall rate recovery policy, approximately 6000 ratepayers paid their rates in full for 2018/2019 Rating year. (40000 Ratepayers in Total).

The early payment of rates in full provides Council with an increase in its cash flow, enabling Council to create additional revenue from investments; this additional Revenue is used to provide increased funding for services.

First prize for the 2018/2019 rates Incentive scheme is a \$2500 sustainable homes package.

Second prize for 2018/2019 rates Incentive scheme is a \$1500 sustainable homes package.

Third prize for 2018/2019 rates Incentive scheme is a \$1000 sustainable homes package.

Each sustainable home package can be tailored to suit the individuals needs choosing from items such as Solar Power, Solar Hot Water, rainwater tanks, window tinting, awnings, water efficient white goods, landscaping and more.

A Draw resulted in the Mayor announcing the following winners:

First prize for the 2018/2019 Rates Incentive scheme is a \$2500 sustainable home package - **Ms Anthea O'Brien, Nunderi.**

Second prize for 2018/2019 Rate Incentive Scheme is a \$1500 sustainable homes package - **Mrs Deborah M Byrne, Ms Annette S Viglione, Mr Robert P Viglione, Kielvale.**

Third prize for 2018/2019 Rate Incentive Scheme is a \$1000 sustainable homes package - **Mr James R Payne, Tweed Heads.**

The Mayor congratulated the winners.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 20 September 2018

The Schedule of Outstanding Resolutions as at Thursday 20 September 2018 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for August 2018

459

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of August 2018 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.
 - 21 September Community and Stakeholder Engagement – Sydney NSW - **Cr R Cooper attending.**
 - 11 October 2018 Northern Rivers Housing Forum – Lennox Head NSW - **Cr K Milne, Cr R Cooper and Cr C Cherry attending.**
 - 26 October World business council for sustainable Development - Sydney NSW.
 - 7-9 November 27th Annual NSW Coastal Conference - Merimbula NSW - **Cr C Cherry attending.**
3. The approval of Councillor's participation in the following Professional Learning and Development opportunities, as follows, be authorised:
 - LGNSW Social Media training - **Cr C Cherry**
 - AICD Company Directors course - **Cr J Owen**

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions at 20 September 2018

460

Cr K Milne
Cr P Allsop

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

- Petition containing in excess of 600 signatures as follows:

The residents of the Palms Village and surrounds (many of whom are elderly and have mobility restrictions) request that a pedestrian crossing be established on Dry Dock Road between the shops and Terranora Creek. Thus everyone can confidently get to facilities on both sides of the road such as shops, toilets, bus stop, recreation areas etc.

We regard this matter as urgent and depend on authorities to take our wellbeing and safety seriously.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

6 [NOM] Fossil Fuel Divestment

461

Cr K Milne
Cr C Cherry

RESOLVED that Council brings forward a report on options to improve our rate of Fossil Fuel divestment considering our Ethical Investments have been stuck at around only 50% of our total funds invested since reporting on this first started.

The Motion was **Carried**

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

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Tweed Hospital Location

462

Cr K Milne
Cr C Cherry

RESOLVED that:

1. Council notes that contrary to the Minister's advice, the information Council requested may not be included in the forthcoming Environmental Impact Statement for this development application as the draft SEARS in its current form, does not include any consideration of the bulk of the issues requested to be clarified by Council, particularly:
 - a) The social and economic impact on the Tweed Heads residents and businesses from the loss of their hospital,
 - b) Impacts on the viability of the State Significant Farmlands of the Cudgen Plateau in context of the 500 hectares required for a viable area to qualify as SSF as advised in the North Coast Farmland Report 2005,
 - c) Impacts of urban sprawl down the Tweed Coast contrary to Council's planning framework and expressed community desire over many years,
 - d) Transparency of the preliminary studies, process and governance issues related to the decision making of this matter.

2. The Mayor:
 - a) Writes to Minister Hazzard requesting in the most respectful terms that he reconsider his response in light of the expectation the local community has for comprehensive transparency and control of local planning powers, and the continued high level of angst caused by the lack of transparency and top down governance, and

- b) Seeks further advice from Minister Hazzard to clarify what exactly is intended in his letter in regard to his reference to “consider planning scenarios around the hospital campus”, and in particular what areas he is referring to, noting extreme concern if this was to include any further State Significant Farmland.
- c) Writes to the NSW Planning Minister to request they involve the community in a comprehensive engagement process on the Tweed City Action Plan in a manner conducive to facilitating a community led rather than government led process, and advises the Minister that Council would object vehemently to Kingscliff being nominated as a regional city.
- d) Writes to the NSW Premier to bring these matters to her attention and request her assistance to instil community faith back in this process.

The Motion was **Carried**

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

8 [GM-CM] General Manager's attendance at Local Government Chief Officers Group Meetings

463

Cr C Cherry
Cr P Allsop

RESOLVED that Council approves the General Manager's attendance and participation at Local Government Chief Officers Group meetings.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [GM-CM] Australian Regional Tourism (ART) Convention - 23 to 25 October 2018

464

**Cr P Allsop
Cr R Byrnes**

RESOLVED that Council:

1. Sponsors (to a maximum of \$10,000 (GST Exclusive)) the 2018 Australian Regional Tourism Convention by hosting the Convention's Welcome Reception at the Kingscliff Community Hall and Rowan Robinson Park, Kingscliff on Tuesday evening, 23 October 2018.
2. Funds the sponsorship from the 2018/2019 Major Event Attraction budget within the Economic Development Unit.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [GM-CM] Art in the Park - The Sacred Littoral Art Project

465

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. Council withdraws from the Sacred Littoral Art Project and notifies Creative Caldera.
2. Council re-allocates the funds for the Sacred Littoral Art Project to the Economic Development budget to deliver Christmas decorations for the Murwillumbah township.
3. Council's Economic Development Unit liaise with the Murwillumbah District Business Chamber, Creative Caldera and Councillors regarding Christmas decorations for the Murwillumbah township.

The Motion was **Carried**

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

AGAINST VOTE - Cr C Cherry

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

11 [PR-CM] Air Traffic Pollution

Cr J Owen declared a Pecuniary Interest in Item 11 [CM-PR] Air Traffic Pollution. The nature of the interest is that Cr J Owen has a commercial relationship with The Gold Coast Airport through his employer. Cr J Owen will manage the Interest by vacating the Chamber during discussion and voting on this item.

466

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Notes monitoring devices will provide an essential baseline level to measure future expansion impacts of the airport, and assist the community and the cane industry better understand the impacts of cane burning and wood heaters.
2. Requests the Gold Coast Airport Corporation for the details on the scope of their program, methodology and timeline for implementation of Air Quality and Noise Monitoring plans.
3. Requests the Minister gives priority consideration for Tweed to be included for Air Quality Monitoring due to the large population affected by the 6th largest airport in the Country, and the unavoidable impacts from cane fires.
4. Provides a report on the cost of establishing monitoring if the above agencies advise they cannot provide monitoring in a timely or appropriate fashion.

The Motion was **Carried**

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

Cr J Owen has returned from temporary absence

12 [PR-CM] Singh's Quarry, 617 Numinbah Road North Arm

467

Cr K Milne
Cr R Cooper

RESOLVED that this item be deferred to be considered at the next meeting of the 4 October 2018.

The Motion was **Carried**

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

13 [PR-CM] Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy

468

Cr J Owen
Cr K Milne

RESOLVED that Council adopts the Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy as provided in Attachment 1 to this report.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

14 [CNR-CM] Draft Policy - Private Memorials in Public Parks and Natural Areas

469

Cr C Cherry
Cr K Milne

RESOLVED that Council:

1. Adopts the policy Private Memorials in Public Parks and Natural Areas with the changes listed below and supports establishment of a memorial seat at Hastings Point prior to its implementation.
 - i. Page 4. Point 1 to read: They commemorate a deceased individual who was a member of the Tweed community.
 - ii. Page 6. 2nd Paragraph to read: Prior to removal, all reasonable efforts will be made to identify and contact the persons responsible for placing the item to advise them of this policy, and the proposed removal. Reasonable attempts will be made to hold a removed item for collection by the persons responsible for its placement.
2. Establishes memorial seats at Cabarita Beach and Fingal Head when replacing or establishing seats in those locations.

The Motion was **Carried**

FOR VOTE - Unanimous

PROCEDURAL MOTIONS

470

Cr K Milne
Cr P Allsop

RESOLVED that Items 15 to 30, with the exception of Item(s) 26, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

471

Cr K Milne
Cr P Allsop

RESOLVED that Items 15 to 30, with the exception of Item(s) 26, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Kingscliff and Murwillumbah Music Festivals

472

Cr K Milne
Cr P Allsop

RESOLVED that Council notes this report on the Live and Local Music Grant from Create NSW.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Dementia Awareness Month 2018

473

Cr K Milne
Cr P Allsop

RESOLVED that Council notes the activities conducted as part of Dementia Awareness Month and the applications by Council's Community and Cultural Services unit to become certified as Dementia-friendly community services.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Community Resilience Innovation Program (CRIP) Grant Funding for Tweed Byron Resilience Coordination Project

474

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Accepts the offer of funding of \$84,755 (exclusive of GST) for the Tweed Byron Resilience Coordination Project under the NSW Department of Justice, Office of Emergency Management's Community Resilience Innovation Program.
-

2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Homelessness Policy Review and New Draft Policy

475

**Cr K Milne
Cr P Allsop**

RESOLVED that Council:

1. Notes the findings of the current policy review and attached executive summary.
2. Endorses the new draft Homelessness Policy (Version 2.0) for public exhibition for a period of 28 days allowing 42 days for submissions.
3. Notes a report and final policy will return to a future Council meeting for final adoption following consideration of submissions made.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Tweed Regional Gallery Accession and De-Accession Policy

476

**Cr K Milne
Cr P Allsop**

RESOLVED that Council adopts the Tweed Regional Gallery Accession and De-Accession Policy (Version 1.0).

The Motion was **Carried**

FOR VOTE - Unanimous

20 [CNR-CM] RFO2016178 Request for Expression of Interest for the Design and Construction of an Organics Processing Facility at Stotts Creek Resource Recovery Centre

477

**Cr K Milne
Cr P Allsop**

RESOLVED that Council declines to accept any of the offers for RFO2016178 and cancels the proposal for the contract.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

21 [E-CM] RFO2018079 Spray Seal Services, Traffic Control and Associated Products

478

**Cr K Milne
Cr P Allsop**

RESOLVED that in respect to Contract RFO2018079 Spray Seal Services, Traffic Control and Associated Products:

1. Council awards the offer to New South Wales Spray Seal Pty Ltd (ABN 68 133 151 078, ACN 133 151 078) for the schedule of rates tendered.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because 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

22 [E-CM] RFO2017181 Design and Construct of Reservoir Access Structures

479

**Cr K Milne
Cr P Allsop**

RESOLVED that in respect to RFO2017181 Design and Construct Reservoir Access Structures:

1. Council awards the offer to Water Infrastructure Engineering Services Pty Ltd ABN 28 152 703 958 for the amount of \$420,340.09 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [E-CM] RFO2018097 Byrrell Creek Road Bridge - Piling Works

This item is the subject of an Addendum report at Item 34 (Minute No 491 refers).

24 [E-CM] Road Naming - Baswyn Mews, Kingscliff

480

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. Council adopts the name of Baswyn Mews for the road which runs between Lot 3 DP 1106423 and Lot 15 DP 21680 at Kingscliff.
2. The naming of the public road be gazetted under the provisions of the *Road (General) Regulation 2008* and the *Roads Act 1993*.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] Licence Agreement - Latitude Construction Services Pty Ltd - Lot 6 DP 872039 - Hastings Road, Bogangar

481

**Cr K Milne
Cr P Allsop**

RESOLVED that Council:

1. Grants a licence to Latitude Construction Services Pty Ltd for the use of an area within Lot 6 DP 872039 at Hastings Road, Bogangar for a term of 12 months and a licence fee of \$12,450 (GST exclusive) per annum to be paid on a monthly basis.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [E-CM] Northern Rivers Rail Trail Inc. - Tweed Shire Council Representation

482

**Cr R Byrnes
Cr P Allsop**

RESOLVED that:

1. Council confirms Councillor Reece Byrnes and the Project Director, Mr Iain Lonsdale, as its representatives on the Northern Rivers Rail Trail Inc Executive.
2. Council makes enquiries with the Northern Rivers Rail Trail Inc if Cr P Allsop can be a second delegate and if not applicable, an alternate delegate on the Northern Rivers Rail Trail Inc.
3. Council further makes enquiries with the Northern Rivers Rail Trail Inc if Councillors may attend meetings as observers.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

27 [FRIT-CM] In Kind and Real Donations Apr/May/Jun 2018

483

**Cr K Milne
Cr P Allsop**

RESOLVED that Council notes the total in kind and real donations of \$163,547.18 for the period of April, May and June 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [FRIT-CM] In Kind and Real Donations 2017/2018 Financial Year

484

**Cr K Milne
Cr P Allsop**

RESOLVED that That Council notes the total in kind and real donations of \$386,489.23 for the 2017/2018 Financial Year.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [FRIT-CM] Monthly Investment Report for period ending 31 August 2018

485

**Cr K Milne
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, 2018 totalling \$321,034,832 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

30 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 24 July 2018

486

**Cr K Milne
Cr P Allsop**

RESOLVED That the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 24 July 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Wednesday 1 August 2018

487

**Cr W Polglase
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Community Halls Advisory Committee Meeting held Wednesday 1 August 2018 be received and noted.
2. Council at the next quarterly budget review amend the 2018/2019 budget to provide *options for annual dollar for dollar funding up to the value of \$3000 per hall for hall committees to seek funding for hall improvements such as kitchen upgrades, lighting and internal building maintenance.*

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

32 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 August 2018

488

Cr K Milne
Cr R Byrnes

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 August 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
 - A5. Goorimahbah - Update - Stewart Brawley, Kelly Edwards (Tweed Shire Council)

That the Aboriginal Advisory Committee:

1. *Supports the concepts for the development and design of Goorimahbah as discussed at the meeting and presented in the meeting summary on 3 August 2018.*
2. *An Aboriginal Diggers Memorial Wall be included for consideration in the Goorimahbah precinct.*

A1

- (d) Local Government Aboriginal Network Conference 2018 (Narrabri)

That the Aboriginal Advisory Committee nominates Victor Slockee to attend the Local Government Aboriginal Network Conference 2018 in Narrabri.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 23 August 2018

489

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 23 August 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Farrants Road, Farrants Hill

That the installation of a "Waste Vehicles Excepted" sign being installed on the existing 9m vehicle length limit on Farrants Road be supported.

3. Council receive advice on the Petition regarding a pedestrian crossing at Dry Dock Road near The Palms Village.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.05pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm

ADDENDUM ITEMS

LATE ITEM

490

**Cr R Byrnes
Cr P Allsop**

RESOLVED that Addendum Item 34 being and Late Items 35 and 36 be dealt with and be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [ADDENDUM-E-CM] RFO2018097 Byrrill Creek Road Bridge - Piling Works

491

**Cr R Byrnes
Cr R Cooper**

RESOLVED that in respect to Contract RFO2018097 Byrrill Creek Road Bridge – Piling Works:

1. Council awards the offer to Wagstaff Piling Pty Ltd (ABN: 26 052 146 488), for the amount of \$372,900.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. 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

LATE ITEMS

35 [LATE-MM-CM] Mayoral Minute - NSW Disaster Funding Arrangements

492

Cr K Milne

RESOLVED that Council:

1. Does not believe the proposed NSW disaster funding arrangements in their current format provide best value for money for the Tweed community.
-

2. Does not currently support opting-in to the new NSW disaster funding arrangements prior to the Office of Emergency Management's (OEM's) deadline of 1 November 2018.
3. Requests support and advocacy from LGNSW and other councils attending the LGNSW Annual Conference in Albury in October 2018 to have the funding arrangements changed specifically to apply a more reasonable cap on Councils co-contribution in years where there are more than one declared disaster event.
4. Requests support and advocacy from the Northern Rivers Joint Organisation to have the funding arrangements changed specifically to apply a more reasonable cap on Councils co-contribution in years where there are more than one declared disaster event.

The Motion was **Carried**

FOR VOTE - Unanimous

36 [LATE-PR-PC] Development Application DA18/0685 for a Concept Application for New Tweed Valley Hospital and Stage 1 Works (NSW Planning & Environment App No. SSD 9575) at Lot 102 DP 870722; No. 771 Cudgen Road Cudgen

493

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council, in regard to Development Application DA18/0685 for a concept application for new Tweed Valley Hospital and Stage 1 works (NSW Planning & Environment App No. SSD 9575) at Lot 102 DP 870722; No. 771 Cudgen Road Cudgen, endorse Council's response to the Draft SEARS's with the inclusion of the following as an amendment to Council's draft submission:

- 1) Project Description. The fundamental project description is untrue. The Stage 2 project description ("detailed design, construction and operation of the Tweed Valley Hospital") fails to disclose that this proposal is not merely for a new hospital; but for a relocation of an existing hospital as stated in the SEARs Application text and officially on the NSW Health website. The Stage 1 "Early and Enabling Works" are intended to be substantial enough to commit the Applicant to the removal of the current hospital from Tweed Heads to Kingscliff. Therefore any statement of environmental impact (EIS) should address the social, transport and economic consequences of hospital removal from Tweed Heads in addition to its re-establishment at Kingscliff. As the Application is currently posed, the significant impacts of relocation will never be publicly examined in the first or second EIS or any other forum before the project is fully committed. The applicants must be formally required to examine the impacts of relocation.

2) Inclusion of Stage 1 activities that are not “Early or Enabling Works”. The list of proposed activities on page 18 includes Stage 1 work described as:

- Bulk earthworks,
- Piling and associated works,
- In-ground infrastructure stormwater & drainage works, &
- Retaining walls.

These works effect substantial commencement. They require knowledge of the building and carpark levels and footprints, subterranean floor levels, foundation levels, and stormwater nutrient loads, volumes, and discharge points only available when both detailed hospital design drawings and their associated environmental impacts are provided to the DoPI. None of these is currently proposed to be included in Stage 1 of this application, as required by the EP&A Act Div 4.4 S4.22 (5)¹. The detailed hospital design must be completed and the environmental consequences fully described if included in any Stage 1 SEARs.

3) Non-Disclosure of Adverse Effects. The Application for SEARs exploits s.4.22(4)(b) and s.4.22(5) of the EP&A Act (Concept or staged Development)² to commence work and financially commit to what is the largest single public works project ever undertaken in the Tweed Shire. By this device, it seeks to commence and lock in a major environmental impact activity contrary to numerous Environmental Planning Instruments without substantial prior public disclosure of the interim or ultimate social, economic and environmental effects of the project which are indisputably of major consequence. (see e.g. Cl.228(2)(b) and Cl 228(2)(o) of the EP&A Regulation 2000.)². In this respect it fails to satisfy the clear intent of s.1.3(b) of the EP&A Act 1979, as well as the moral duty of the proponent (the Government of NSW) to engage in a transparent and consultative process, an issue it emphasised when recasting the legislation³ in 2017. The Secretary

¹ See Appendix for full text of legislation

² See Appendix for full text of legislation

³ **Environmental Planning and Assessment Amendment Bill 2017**
Legislative Council Hansard – 18 October 2017

Mr SCOT MacDONALD : Introducing the Bill: “The bill includes important measures to improve the responsiveness and efficiency of the conditions of consent for State significant projects, without compromising the protections the conditions afford. A strong New South Wales requires rigorous and timely assessments.” Full speech available on-line.

Legislative Assembly Hansard – 15 November 2017

Mr ANTHONY ROBERTS Lane Cove—Minister for Planning “This bill will improve planning for our communities, councils and businesses across the State. It will do this by increasing faster, simpler processes; enhanced strategic planning; improved community confidence and participation; and more balanced and transparent decision-making.

Strategic planning is at the heart of this bill. We want to end the focus of planning in this State on battles over individual development applications [DAs] and move the focus of the system to strategic planning and giving the community a real say over how and where growth will occur.” Full speech available on-line.

should exercise her discretionary power under s.4.22(5)², which does not preclude widening the scope of the Stage 1 SEARs to ensure the public interest is met.

4) Extraordinary Departure from State Statute and Public Policy.

In presenting the original Bill, the government argued that the purpose of amending S.4.22 of the EP&A Act legislation was to expedite urgent major projects without sacrificing the protections afforded by statutory planning instruments where “red tape” documenting their manifest compliance would otherwise unreasonably delay proceedings. (see below)³.

In the case of the Tweed Valley Regional Hospital application, nothing could be further from the truth.

This application seeks to evade extensive non-compliance issues with relevant EPI's.

Firstly this is an extremely unusual application seeking to commence significant stage 1 works on a project which by even the most superficial analysis will have bulk, scale, social, traffic & economic impacts that utterly overwhelm the community on which it is imposed. The Hospital Site is 15km from the Department of Planning's own identified hospital site at Tweed Heads in its North Coast Regional Plan 2036 (NCRP) whose release the Heath Minister himself endorsed in State Cabinet in 2017. The Applicants' submission then seeks to locate it on State Significant Farmland land protected from development by government statute (the Tweed Local Environmental Plan, the Rural Lands SEPP 2008 and the Minister's S.117 Direction of July 2009). Their submission further concedes it disregards the Tweed Heads health precinct identified in the Tweed Local Environmental Plan and is contrary to the draft Kingscliff Locality Plan. This is a remarkable litany of non-compliance for one project. As a response, it proposes to erase all these above EPI's achieved through years of negotiation and public consultation in one single stroke by means of a site-specific SEPP utilising s.3.39, s.3.40 & S.4.38(5) of the EP&A Act⁴. This device enables an escape from normal due process and avoids appropriate public scrutiny of all these changes prior to physical and financial commitment to the project.

There is nothing to prevent the Applicant pursuing due process and preparing a full non-staged DA and EIS in regard to this project. Contrary to claims made, the funding for the project is only tabled in the Government's Forward Estimates. There is currently no Parliamentary adopted Health Budget appropriation for either land purchase or construction of the Tweed Valley Regional Hospital in the 2018/19 Financial Year, a situation that hardly suggests urgency. Consequently there is ample time to address the serious planning issues raised by this Application.

Given the extraordinary digression of this application from adopted public policy, it is argued that it should not enjoy the exemption from prior public scrutiny conferred by Section 4.22 of the EP&A Act. The Secretary should invoke her discretionary powers in setting the SEARs to ensure these unusual deviations from otherwise applicable statutes are not allowed to escape the necessary public disclosure and discussion that the EP&A Act 1979 is intended to provide.

⁴ See Appendix for full text.

- 5) The Commonwealth ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 has been deemed irrelevant by the Applicant because the Stage 1 “Early or Enabling Works” works allegedly do not trigger the referral criteria (This claim itself is poorly substantiated in the text.) This exemption claim also fails to recognise the statutory duty of Applicants to consider whether not only the initial stage but the ultimate expression of the development on the site may impact on Scheduled Threatened or Endangered Species utilising the site or any immediate environs that are likely to be impacted by activities on the site. The impact assessment exemption contrived under S. 4.22 of the EP&A Act does not apply to obligations under Commonwealth Legislation, and the State’s obligation to examine ultimate threatened species impact cannot be waived by a subordinate statute. The nature reserve on the site is identified in the NPWS Wildlife Atlas database as habitat or potential habitat for a significant number of Threatened Species and numerous consultants’ environmental reports on flora and fauna exist for this reserve or land in immediate proximity.

The application needs to demonstrate that the Federally Threatened species that occur on the hospital site including (a) water mouse, (b) wallum sedge frog, (c) southern black-throated finch, (d) Australian bittern, (e) Australian painted snipe, (f) Australian grey-headed flying fox, (g) koala, (h) Mitchell’s rainforest snail, (i) cattle egret, (j) magpie goose, (k) painted snipe, and (l) white-throated needletail, and their habitat will be protected in perpetuity.

A specialist consultant report examining the grounds for Commonwealth referral, or otherwise, is required as part of the SEARs.

- 6) The Commonwealth Civil Aviation Act 1988 and the Airspace Act 2007 affect the Application in that it is in fact for Stage 1 of a proposal to erect a multi-storey building and operate a heliport in the direct axis flight-path of the southern approach to Gold Coast Airport – one of the busiest in Australia. Section 7.4 of the Commonwealth Government approved Gold Coast Airport Limited 2017 MasterPlan shows the hospital site affected by “prescribed airspace” under the Regulations, in particular the OLS and PANS OPS surfaces defined in Figure 7.4. Consideration of catastrophic risk involving an aircraft crash into the hospital must be required, noting its likelihood may be similar to that of the PMF event which is currently being given sufficient weight to impose extreme limitations on the options for hospital site selection. Once again the inferior State Government legislation cannot be exploited to avoid referral to the Commonwealth. Federal aviation authority consent must be sought at Stage 1 and included in the SEARs.

- 7) The North Coast Regional Plan 2036. p.20. The obligation of the Application for SEARs is to inform the Secretary of matters identified as issues requiring unusual attention in the EIS. Yet its review of the Regional Plan on p.20 mentions only the compliance areas and deliberately avoids its serious non-compliance. This proposal clearly flies in the face of the defined hospital site and Regional Hospital Precinct which the Plan firmly identifies in Tweed Heads. In fact the hospital was to form the economic powerhouse for the Regional City of Tweed Heads. The Applicant claims early in the Application that hospital relocation has been under discussion since 2012, yet the Health Minister allowed the 2016 draft and the 2017 final document to proceed with his Department's endorsement only last year. These claims cannot be simultaneously true.

Furthermore the Health Minister advised Tweed Council on 13th August 2018 that a "Tweed City Action Plan" is already being implemented to encourage the growth of private health infrastructure development in immediate proximity to the new hospital at Kingscliff, presumably on the fringes of what is now to be called the "City of Kingscliff", a town not even mentioned in the NCRP. This in effect rewrites the NCRP by Ministerial decree.

Non-compliance of the proposal with the North Coast Regional Plan 2036 is a serious omission from this Application. The Minister for Planning has declared the status of the Regional Plan as the strategic platform from which all Local Government prepared EPI's must derive⁵. This is put in jeopardy by its arbitrary revision. The drastic regional infrastructure and economic ramifications have been ignored. It must be comprehensively addressed in any credible SEARs.

- 8) Ambiguity. Table 5 of the Application makes repeated references to "the EIS" and "the SSD Application" which appear to be used interchangeably to refer to either Stage 1 or Stage 2 of the Concept Development Application. It should be absolutely clear which matters of environmental impact are proposed to be dealt with prior to Stage 1 works commencing, and which will be deferred until after the project is committed.

⁵ Legislative Assembly Hansard – 15 November 2017

Environmental Planning and Assessment Amendment Bill 2017

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning) Closing Debate. This bill will improve planning for our communities, councils and businesses across the State. It will do this by increasing faster, simpler processes; enhanced strategic planning; improved community confidence and participation; and more balanced and transparent decision-making. (contd next page)

Strategic planning is at the heart of this bill. We want to end the focus of planning in this State on battles over individual development applications [DAs] and move the focus of the system to strategic planning and giving the community a real say over how and where growth will occur.

As members will appreciate from this debate, strategic planning is a key aspect of the changes proposed in this bill. Some, however, appear to be struggling to understand the clear hierarchy of strategic plans that this Government has put in place. From regional to district to local, we will now have a clear line of sight from the State level to the local level. This clear hierarchy and the need for each plan to give effect to the higher strategic plan at a local level means there are not competing plans and there is no cause for confusion. Rather, there is a clear hierarchy and the local strategic planning statement is the final piece that captures how a district plan lands in a place. These will then cascade into councils' local environmental plans and development control plans.

- 9) **Justification.** If the economic argument for arbitrarily amending the NCRP is to be accepted, full and detailed transparency of the costs and impacts of the alternative options must be provided to restore the confidence of the community, including the option to redevelop and expand the existing Tweed Heads site. There is no valid reason to withhold this information from the public, as it is claimed as a key tenet of the argument for site choice. The fact this information has been withheld is causing a lack of faith in the process and leading to suspicions of maladministration.
- 10) **Farmland Viability.** On the Cudgen Plateau, the Tweed Shire has just one large remnant of rich volcanic well-watered farmland identified as amongst the best agricultural land in Australia. Classification criteria established by the North Coast Farmland Protection Project Report (2005) require that, amongst other values, a contiguous area of 500 hectares is necessary to stay within this State Significant Farmland (SSF) threshold. The Cudgen Plateau SSF cluster currently stands at approximately 534 ha. The removal of 16 hectares from this cluster, along with other SSF lands, apparently land-banked or not currently farmed, will greatly jeopardise the viability of this rural cluster and its current protection for posterity. As mentioned in 7) above a “Tweed City Action Plan” is already being implemented by the DoPI to encourage private health infrastructure investment in immediate proximity to the new hospital, The community has been assured by the government that the hospital will always remain a solitary glass and concrete block in isolation in the fields of vegetables. This is absurd. Despite assurances, it is inevitable that further state significant farmland will be put under pressure to meet private health infrastructure needs as the City of Kingscliff’s Hospital expands to its 900 bed ultimate capacity. This should be discussed with the transparency it deserves.
- Stage 1 of the hospital project will alienate 16ha of active agricultural land from the SSF cluster, and trigger further losses as described above. The Stage 1 SEARs must therefore consider the combined impacts of the loss of the hospital land and the further predictable loss of its contiguous farmland and examine them in the light of the viability of the entire Cudgen Plateau farmlands - the last remaining unfragmented cluster in the Tweed Shire.
- 11) **Buffer Zones.** The recently adopted Coastal SEPP specifies a 100m buffer ‘Proximity area’ for State Significant Wetlands and Littoral Rainforest yet the proposal refers to dual use buffers, abutting/overlapping these Proximity areas. The compliance of the Applicant with the current rules for vegetating environmental buffer zones and isolating them from APZ buffers for bushfire management (See RFS “*Planning for Bush Fire Protection 2018*” for new PBP requirements) should be required to be demonstrated in the SEARs.
- 12) **Misleading Statements** in the Request. Whilst much content in the Request for SEARs appears irrelevant, narrative, &/or argumentative, errors of fact should not go unchallenged in the public domain. These are discussed below:

- a) Pp.3-4 “*NNSW LHD and HI undertook a number of clinical service and master planning studies between 2012 and 2017, which concluded that TTH is at capacity and the 4 hectare site is inadequate to support the long-term health care needs of the community ...*” This claim is inconsistent with the public exhibition of a series of official detailed master-plans for on-site expansion at Tweed Heads as late as 2016 and the endorsement by NSW Health of the North Coast Regional Plan 2036 released in 2017, showing an enlarged hospital development in the Regional Health Precinct of Tweed Heads. This statement is at best disingenuous and should be rescinded.
- b) Pp 4-5 “*As a result, the existing and growing population centres to the south of the Tweed River became cut off from access to the full range of acute hospital services*” is hardly an argument for relocating the hospital south of the river where the situation simply changes to “*the existing and growing population centres to the north of the Tweed River become cut off from access to the full range of acute hospital services.*” (On 30th March 2017 Gold Coast Health advised all non-critical services were suspended at Robina Hospital as its carpark and some access roads were inundated and inaccessible in the same storm event.) Flooding of the hospital is a genuine concern. Flooding of the access roads connecting the community to the hospital is pervasive throughout the Tweed Valley and is not simply solved by site relocation, as argued.
- c) P.5 “*The site selection process identified this site as the most suitable location for a major referral hospital serving the Tweed-Byron community*”. This statement incorrectly implies the site selection process was purely on merit and not biased to convenience or pricing. In fact the process is one devised to generate a quick low conflict commercial transaction where Expressions of Interest (Eoi) for sale are invited from landowners in the generally favoured locality and from the limited offers received, the least bad is chosen. This process can hardly be described as “optimal”. Many more appropriate sites may exist but are excluded due to lack of vendor interest. Mysteriously, in the very first round of bids, the government deliberately chose not to declare lands permanently protected from development by its own planning legislation as ineligible for the Eoi – suggestive of a pre-emptive bias towards the chosen site. In defence of the final selection the Health Minister stated “... additional infrastructure costs (of other sites) would significantly impact on the budget available to build clinical space.” (Hon. Brad Hazzard media release 16-07-18). Clearly the site selection was arrived at using more influential criteria than simple physical “Suitability”.
- d) P.7 There is extensive argument defending the successful “community consultation” component of the site selection process, and the narrative is inclined to rely on conflating “consultation (of experts and internal stakeholders)” with “community consultation” – normally understood to be different activities. In fact there was no community consultation on the hospital site until public unrest following the Minister’s announced decision.

- e) The claims of general support are misleading in several respects. Firstly to the extent that they fail to disclose that in fact NO public consultation whatsoever occurred prior to the Minister announcing his choice of site. The subsequent retrospective concessions to community participation were only made after public outcry at the surprise choice. At no time during the retro-consultation did the Minister's decision appear to be removed from the table. Of the over 500 written submissions, 44% opposed the proposed Cudgen site, 32% supported and 24% were neutral. That is not general support.

Discussion of site preferences in the extensive written submissions received has been completely omitted from the Application in favour of a "face to face engagement" narrative largely as unsubstantiated assertion of outcomes and numbers. The community's "anywhere else" preference in the discarded written submissions is clear. But since the precise verbal Q&A is not available, it remains unclear whether the Application's claims of subsequent verbal support conflated 'support for a new hospital' with 'support for the site choice'.

Claimed support from community feedback is therefore considered unsubstantiated, if not incorrect.

- f) P.20 In reference to the draft Kingscliff Locality Plan (KLP), the SEARs request is misleading in claiming that the proposed project site can be '*effectively integrated into the strategic direction and future development of the locality*'. No grounds are offered for this claim, which conflicts with the draft policy.

The very first point (1.1) of the KLP is the 'Vision for Kingscliff' which states:

"Future development will achieve a sustainable balance between a prosperous and healthy community life, local economy, employment opportunities, and diversity of housing choice nestled within a highly valued environmental context fringed with a working agricultural hinterland." This in itself is clearly inconsistent with the ultimate realisation of the hospital proposal. The drastic economic, traffic and social changes generated by the scale of the hospital development will entirely overwhelm the current planning criteria in the KLP

- g) p.29. The statements that " *these roads remain flood free for all mapped events.*" And "*There is alternative access for the southern population if the Tweed Coast Road and the M1 are closed due to flooding.*" are joined in the same paragraph but are misleading as they refer to different flood event circumstances. In fact access to the Hospital site from southern villages is not always available in major flood events and certainly not during a PMF.

It is requested that you bear in mind these possible errors of fact as mentioned above when devising the SEARs requested by the Applicant.

On behalf of Tweed Shire Council, I respectfully submit that all the above matters be considered in the course of your preparation of SEARs for the proposed Tweed Valley Regional Hospital.

AMENDMENT

494

Cr P Allsop
Cr W Polglase

PROPOSED that this item be deferred to be considered at the next meeting of the Council to be held 4 October 2018.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 493 refers)

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

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

495

Cr K Milne
Cr C Cherry

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

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] Murwillumbah Airfield - Review of Operations

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 61

That Council:

1. Does not enter into any new leases, including re-leasing, at the Bob Whittle Murwillumbah Airfield pending the outcomes of the Industry Central Land Swap project.
2. Rolls over all existing leases to a month by month basis as they reach expiration pending the outcomes of the Industry Central Land Swap project.
3. Immediately re-commences indexing all existing lease rents in line with each specific lease.
4. Places the proposed landing fee of \$12.00 (ex GST) for the Bob Whittle Murwillumbah Airfield on public exhibition in accordance with the Local Government Act, and allow for the exclusion of registered aircraft for lessees and users who pay an access fee to the airfield.
5. Contacts the owners of any unworthy aircraft at the Airfield to arrange for removal of the Aircraft within 60 days or action may commence action to have the Aircraft identified as "*abandoned*" and removed in accordance with the Uncollected Goods Act.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] RFO2018080 Principal Consultant for New Pound and Rehoming Centre

REASON FOR CONFIDENTIALITY:

If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

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 62

That in respect to Contract RFO2018080 Principal Consultant for New Pound and Rehoming Centre, Council declines to accept any of the Offers and cancels the proposal for the contract.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Telecommunications Equipment on Council Reservoirs

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 63

That Council:

1. Notes that notices of termination of Holding Over and or Leases have been served by Council's solicitor to Optus and Vodafone for their respective installations on Banora Point and Kingscliff Reservoirs.
2. Where possible, continues to provide evidence to support Water Services Association of Australia and NSW and QLD Water Directorates in their attempts to find a resolution to the issues of telecommunication equipment on water supply reservoirs.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEMS IN COMMITTEE

C4 [PR-CM] Development Application 03/0445

LATE ITEM

C 64

That Item C4 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

C 65

**Cr K Milne
Cr R Cooper**

RECOMMENDED that Council in respect of the current compliance investigations into the water extraction activities being carried out on the premises No. 477 Urliup Road, Urliup issue a Development Control Order to Stop Use and Demolish Works to Eniflat Pty Ltd in regards to DA03/0445.

The Motion was **Carried**

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

496

Cr K Milne
Cr J Owen

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 8.33 pm



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

Chairman