

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 19 April 2018

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

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

The Meeting commenced at 5.30pm.

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 David Oxenham (Acting General Manager), Mr Danny Rose (Acting 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 Fran Silk (Communications Officer - Social and Media), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (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 by Council's Chaplain, Pastor Jacob Van Der Steen.

Dear Lord,

As we reach the one year anniversary of the 2017 Floods, our thoughts and prayers are for those who suffered, losing possessions, households, business and memories. But especially to those who lost their loved ones, we pray that the comfort of the Holy Spirit will be a reality to them. We thank you for the generosity we saw at the time, from those who volunteered and gave of themselves to help with the recovery of our communities.

With the recent Cyclones above us and the heavy rain below us, this has caused a level of anxiety to rise, as it's happening around the same time as last year. Yet Your Word says, not to be anxious, but with prayer and supplication, with thanksgiving make our request to you.

So with your Word in mind we request that Your peace be over the hearts and minds of the people in our community as we are thankful for the resilience of our community and the selfless way they pulled together in a time of tragedy.

We also pray for those on the Mid North Coast and those in Tathra who have been in the face of their own natural disasters. As a community that has "been there", we reach out with our hearts and prayers for them today.

As council sits today to preside over matters concerning Tweed Shire, I pray that you will guide them as they represent the people of this great Shire that we all call home.

In Jesus name we Pray.

Amen

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 22 March 2018

165

**Cr R Byrnes
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 22 March 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 Minutes of the Ordinary and Confidential Council Meeting held Thursday 5 April 2018

166

**Cr R Byrnes
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 5 April 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 P Allsop wishes to declare a pecuniary interest in Late Confidential Item C3 - [GM-CM] Purchase of Land at Industry Central. The nature of the interest is that Cr Allsop owns a parcel of land that is within the area the subject of the item.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 19 April 2018

The Schedule of Outstanding Resolutions as at 19 April 2018 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for March 2018

167

Cr K Milne

RESOLVED that the Mayoral Minute for the month of March 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

168

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Items 10, 19, 23 and Late Item 35 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

10 **[PR-CM] Development Application D90/0436.09 for an Amendment to Development Consent D90/0436 for the Erection of a Tavern and Nine (9) Shops at Lot 171 DP 629328 No. 28-40 Overall Drive, Pottsville**

169

Cr R Byrnes
Cr W Polglase

RESOLVED that Development Application D90/0436.09 for an amendment to Development Consent D90/0436 for the erection of a tavern and nine (9) shops at Lot 171 DP 629328 No. 28-40 Overall Drive, Pottsville be approved subject to the following amended conditions and new additional conditions:

1. Condition No. 10A is to be deleted and replaced with 10B which reads as follows:

10B. Hours of operation for a maximum period of 6 months from the date of this amended consent:

Saturday to Thursday – 10.00am to 10.00pm

Friday – 10.00am to 11.00pm

Variation of the above hours are permitted for a maximum of six (6) in the 6 month period up until 11pm, with the written approval of the General Manager, or delegate, of Tweed Shire Council within the 6 month period .

Following the lapse of the 6 month period the hours of operation shall be restricted to 10.00am to 10.00pm.

Any further application for the variation of hours of operation outside of 10.00am to 10.00pm (other than the above permitted six variations) shall be prepared by a suitably qualified person and accompanied by a noise impact assessment in accordance with *AS 1055 Acoustics – Description and measurement of environmental noise*, the *Noise Guide for Local Government*, the NSW EPA *Noise Policy for Industry*, and any other relevant and accepted guideline.

2. Condition No. 20 is to be deleted and replaced with 20A which reads as follows:

- 20A. The development shall be carried out in accordance with the requirements of the acoustic reports prepared by Craig Hill and Warrick Smith, and with the recommendations of the Environmental Noise Impact Report for Modifications to Trading Hours, Pottsville Tavern, 28 – 40 Overall Drive, Pottsville prepared by CRG Acoustics dated 23 February 2018 (crgref: 17146 report rev.1) and Pottsville Tavern Plan of Management, except where varied by conditions of consent.
3. The following new conditions are to be added:
27. Amplified and/or live music shall not be played external to the building.
28. All activities in the 'beer garden' areas shall cease at 10pm.
29. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.
30. A noise assessment compliance report from a suitably qualified acoustic consultant shall be prepared and submitted to Council for the approval of the General Manager or delegate in respect to noise generated by the activities associated with the tavern within a period not exceeding 60 days of the date of extended trading hours of the tavern.

The report shall consider the recommendations of the acoustic reports prepared by Craig Hill and Warrick Smith, and the Environmental Noise Impact Report for Modifications to Trading Hours, Pottsville Tavern, 28 – 40 Overall Drive, Pottsville prepared by CRG Acoustics dated 23 February 2018 (crgref: 17146 report rev.1), and include any recommended noise amelioration measures to be carried out by the applicant.

Upon notification of approval of the noise assessment compliance report, the applicant shall carry out any such recommendations as provided within the noise assessment compliance report to the satisfaction of the General Manager or delegate within 30 days. The General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment upon request.

AMENDMENT

170

Cr C Cherry
Cr K Milne

PROPOSED that Development Application D90/0436.09 for an amendment to Development Consent D90/0436 for the erection of a tavern and nine (9) shops at Lot 171 DP 629328 No. 28-40 Overall Drive, Pottsville be refused on the following grounds:

1. Pursuant to Section 4.15 (1) (b) of the Environmental Planning and Assessment Act, the proposed development is not consistent with the intent of the original approval conditions.
2. Pursuant to Section 4.15 (1) (b) of the Environmental Planning and Assessment Act, the proposed development has the potential for negative impacts on the amenity of the surrounding community;
3. Pursuant to Section 4.15 (1) (e) of the Environmental Planning and Assessment Act, the proposed development is not in the public interest due to amenity impacts; and
4. Pursuant to Section 4.15 (1) (c) of the Environmental Planning and Assessment Act, the proposed development is in accordance with the orderly economic development of the locality.

The Amendment was **Lost**

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

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

The Motion was **Carried** (Minute No 169 refers).

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

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

19 [E-CM] Adani Mine Resolution and Tender Processes

171

Cr K Milne
Cr C Cherry

RESOLVED that Council:

1. Amends the Procurement Policy to reflect its position on the development of the Carmichael Mine in the Galilee basin by including a requirement for all civil construction tenderers to disclose any direct contractual agreement to construct or operate the mine. Amendments to the Procurement Policy 1.7 would be as follows:

Objectives

Addition of: To ensure that Council does not support the development of the Carmichael Mine.

To ensure that sustainability and the imperative for urgent and concerted action on climate change underpins all decision making in the procurement of products, services and contractors.

Definitions

Addition of:

Carmichael Mine The proposed coal mine in the Galilee Basin, Central Queensland.

Director contractual Agreement

A contract between the Tenderer and the owner/s of the Carmichael Mine

Policy

Additional of:

3.7 Business Associations Disclosure

Council does not support the development of the Carmichael Mine in the Galilee basin. All tenderers are required to answer a compulsory question stating whether they have entered into any direct contractual agreement for the construction or operation of the Carmichael Mine. A yes response will result in the tenderer being ineligible for further consideration. A no response will result in the tenderer being eligible to proceed to the next step of evaluation.

2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (e) information that would, if disclosed, prejudice the maintenance of law.

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

23 [E-CM] Heavy Vehicle Approvals - B-Double Routes

172

Cr C Cherry
Cr K Milne

PROPOSED that Council refuses the following applications:

1. 19m B Double (50-55t) 2574 Kyogle Road to Tweed Valley Way, South Murwillumbah. NHVR Road Manager Consent Request No. 119533.
Application from Black Mount Pty Ltd to extend the existing 19 metre B-Double route for a 12 month period. Route starts from 2574 Kyogle Road, Kunghur through Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road Murwillumbah Wollumbin Street, Murwillumbah and South Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah.
2. 19m B Double (50t-55t) 2574 Kyogle Road to Tweed Valley Way, South Murwillumbah. NHVR Permit No. 197920V1.
Application from Ray Cavanaugh Transport Pty Ltd to extend the existing 19 metre B-Double route for a 12 month period. Route starts from 2574 Kyogle Road, Kunghur through Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road Murwillumbah Wollumbin Street, Murwillumbah and South Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah.

on the grounds of their impact on amenity, safety and road maintenance and because they are not in the public interest.

AMENDMENT

173

Cr R Byrnes
Cr K Milne

RESOLVED that this Item be deferred to schedule a Workshop with the Tweed Water Alliance and to seek advice from the applicants regarding their capability to carry 50t versus 55t on their B-double configurations.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 173 refers)

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

35 LATE [MM-CM] Tweed Hospital Location

LATE ITEM

174

Cr K Milne
Cr R Cooper

RESOLVED that Item 35 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

175

Cr K Milne

RESOLVED that:

1. Tweed Shire Council wholeheartedly welcomes a new hospital to be built in the Tweed Shire but does not support the proposed location at Kingscliff and notes the significant concerns being raised in the community including the:
 - a) Substantial loss of State Significant Farmland particularly in light of the previous losses of State Significant Farmland including at Area E Terranora, the Kingscliff TAFE and from part of the Kingscliff High School;
 - b) Potential for further flow on impacts on adjacent State Significant farmlands in the form of restrictions on farming practices such as noise, dust, sprays, and agricultural buffers, as well as potential shading of the farmlands from a multi storey hospital;
 - c) Potential for future losses on State Significant Farmland if/when the hospital expands as the population grows;
 - d) Impact of increased travel distances for residents in the high population areas of Tweed Heads, particularly elderly residents who may have bought into properties to be close to the existing hospital; and

- e) Construction of a multistorey health facility that would set a precedent leading to unabated approvals for high density buildings that exceed the current three storey height limits at Kingscliff.
2. Given the community concerns, the Mayor writes to the State Government to request in the strongest terms reconsideration of the proposed location for the new hospital to exclude State Significant Farmlands, and include Council and the community in a comprehensive site selection process.
3. If the State Government does not agree to provide adequate community engagement Council will assist the community in their efforts to determine an alternative acceptable site for a new hospital.

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.23pm.

RESUMPTION OF MEETING

176

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be resumed at 8.11pm.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

There were no Petitions received or tabled.

ORDERS OF THE DAY

6 [NOM] Memorial of Contribution - Dr Betty Marks

177

Cr P Allsop
Cr J Owen

RESOLVED that Council:

1. Finds a suitable location to create a memorial for Dr Betty Marks.
2. Requests a plaque or appropriate memorial to be included as part of the new Tweed Heads Hospital to recognise Dr Betty Marks services to the local medical profession.

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] ED-EOI 01-2017 - Expression of Interest - Marketing, Promotion and Destination Management

178

Cr W Polglase
Cr J Owen

RESOLVED that, in respect to the Expression of Interest for Marketing, Promotion and Destination Management (ED-EOI 01-2017):

1. Council invites the nominated short listed proponents to submit a Tender for the provision of Marketing, Promotion and Destination Management Services (ED-RFT 01-2017), as recommended below (in alphabetical order):
-

Amanti Tourism
Destination Tweed
DR Tourism
Sparrowly Group
The Monday Agency

NZBN: 9429045
ABN 63 058 796 857
ABN 87 619 651 857
ABN 97 621 726 663
ABN 87 611 335 490

2. Council engages Local Government Procurement to assist with the Request for Selective Tender process for the provision of Marketing, Promotion and Destination Management Services (Stage 2) to the successful shortlisted parties of the Expression of Interest (Stage 1).
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (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 - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr J Owen, Cr W Polglase, Cr P Allsop
AGAINST VOTE - Cr K Milne

8 [GM-CM] Destination Tweed Quarterly Report October - December 2017

179

Cr C Cherry
Cr P Allsop

RESOLVED that Council:

1. Receives and notes Destination Tweed's quarterly report for the October to December 2017 quarter.
2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENT 3 & 4 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [GM-CM] Destination Tweed 2018 Board Membership

180

**Cr W Polglase
Cr J Owen**

RESOLVED that Council withdraws all Board representation on Destination Tweed.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [PR-CM] Development Application D90/0436.09 for an Amendment to Development Consent D90/0436 for the Erection of a Tavern and Nine (9) Shops at Lot 171 DP 629328 No. 28-40 Overall Drive, Pottsville

This item was dealt with previously in the meeting (Minute No 169 refers).

PROCEDURAL MOTIONS

181

**Cr K Milne
Cr P Allsop**

RESOLVED that Items 11 to 20 to be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

182

**Cr K Milne
Cr P Allsop**

RESOLVED that Items 11 to 20be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 11 [PR-CM] Aboriginal Cultural Heritage Legislation Review: Aboriginal Cultural Heritage Bill 2018 Submission

183

Cr K Milne
Cr P Allsop

RESOLVED that Council endorses the attached submission to the Aboriginal Cultural Heritage Bill 2018 and forwards same to the Office of Environment and Heritage by the closing date for submissions, being 20 April 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

- 12 [CNR-CM] Progress on Tweed Shire Council's Community Infrastructure Framework

184

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. Receives and notes the report detailing the progress of the Community Infrastructure Framework.
2. Receives and notes the next stage of community consultation and commits to an interactive workshop to validate the findings of the needs analysis.
3. Votes that funding of \$40,000 is identified from Section 94 Contribution Plan 11 - Library Facilities and Contribution Plan 15 - Community Facilities to provide external expertise to review and revise Section 94 Contribution Plans 11 and 15 for Community and Cultural facilities.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [CNR-CM] Lease to Tweed Heads Community Men's Shed Inc - Recreation Street, Tweed Heads

185

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. Council approves entering into a lease with the Tweed Heads Men's Shed group at Recreation Park, Recreation Street, Tweed Heads being part of Lot 10 in DP 1082082 for a term of one (1) year.
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Proposed Declaration of Wildlife Protection Areas

186

**Cr K Milne
Cr P Allsop**

RESOLVED that Council endorses the proposed Wildlife Protection Areas, identified as Koala Beach, Pottsville Environment Park and Pottsville Wetland (south), made under the Wildlife Protection Areas Policy and places them on public exhibition for a minimum of 28 days.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] RFO2018020 Plant & Equipment Hire for Stotts Creek Landfill

187

Cr K Milne
Cr P Allsop

RESOLVED that in respect to Contract RFO2018020 Plant and Equipment Hire for Stotts Creek Landfill Operations:

1. Council accepts the formation of a Panel of Providers for a Service Agreement of 24 months (and that Council gives no Guarantee to any amount of works under this Contract). Panel Members are:

Bidder	ABN
A & N EARTHWORX	49 774 194 492
AE Group Civil & Mining	98 100 496 937
AJ Bulk Haulage Pty Ltd	93 128 534 207
Andrew Johnston Haulage Pty Ltd	79 119 332 544
Baden Civil Contracting Pty Ltd	34 126 619 118
Clark Equipment Sales	40 070 507 130
GCM Enviro.com.au	12 109 538 123
Hazell Bros Group Pty Ltd	22 148 075 101
Kennards Hire	69 001 740 727
Rayner Xcavations	78 481 639 038
Sherrin Rentals	52 074 173 756
Skeen constructions	42 122 970 978
Solo Resource Recovery	62 398 515 816
Tutt Bryant Hire	25 002 894 439

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

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR ENGINEERING

16 [E-CM] RFO2018008 2017/2018 Asphalt Pavement Program

188

Cr K Milne
Cr P Allsop

RESOLVED that in respect to Contract RFO2018008 2017-2018 Asphalt Pavement Program:

1. Council awards the offer to Boral Resources ABN 46 009 671 809 for the amount of \$1,411,180.95 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [E-CM] RFO2017170 Expressions of Interest for the Provision of Road Stabilisation Services

189

Cr K Milne
Cr P Allsop

RESOLVED that in respect to Contract RFO2017170 Expressions of Interest for the Provision of Road Stabilisation Services:

1. Council awards the offer to the following organisations according to their Offered rates:

Bidder	ABN	ACN
Ark Construction Group Pty Ltd	80 112 094 372	112 094 372
Downer EDI Works Pty Ltd	66 008 709 608	008 709 608
Ellis Stabilising Pty Ltd	96 144 885 334	144 885 334
Hiway Stabilizers Aust Pty Ltd	40 150 650 150	150 650 150
Stabilcorp Pty Ltd	25 162 342 001	162 342 001
Stabilised Pavements of Australia Pty Ltd*	90 002 900 736	002 900 736

*Stabilised Pavements of Australia submitted three (3) Offers.

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. The General Manager be granted delegated authority to extend the contract up to 2 x 12 month terms.
4. 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

18 [E-CM] EC2014-184 Biosolid Removal from Wastewater Treatment Plants for use Outside TSC Boundary

190

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. Council grants a one (1) year extension to the contract to Arkwood (Gloucester) Pty Ltd (T/A Arkwood Organic Recycling) ABN 70 055 370 486, ACN 055 370 486 for the CPI adjusted contract rates included in the Confidential Attachment 3.
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, 2 and 3 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

19 [E-CM] Adani Mine Resolution and Tender Processes

This item was dealt with earlier in the meeting (Minute No 171 refers).

20 [E-CM] Sponsorship of the 2018 Northern Rivers Science and Engineering Challenge

191

**Cr K Milne
Cr P Allsop**

RESOLVED that Council becomes a Bronze Sponsor of the 2018 Northern Rivers Science and Engineering Challenge hosted by Southern Cross University, Lismore, with the Bronze contribution being \$500, excluding GST.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [E-CM] Review of Car Parking Requirements for Small Business

192

**Cr W Polglase
Cr J Owen**

PROPOSED that Council notes the review of car parking requirements for small business, and retains the existing parking policy framework.

AMENDMENT

193

Cr K Milne
Cr C Cherry

RESOLVED that Council refers the report and attachments - [E-CM] Review of Car Parking Requirements for Small Business - to the Business Chambers for their information and any feedback.

The Amendment 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

The Amendment on becoming the Motion was **Carried** - (Minute No 193 refers)

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

22 [E-CM] Responses to the Recommendations of the Independent Review of the New South Wales State Emergency Service Operational Response, Northern Rivers Floods, March 2017

194

Cr P Allsop
Cr J Owen

RESOLVED that Council accepts, as the basis for a submission to the New South Wales State Emergency Service, the recommended responses to the *Independent Review of the NSW State Emergency Service Operational Response, Northern Rivers Floods March 2017* (the Owens' Report) as detailed in the report attachment, and including the amendments of the Floodplain Management Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [E-CM] Heavy Vehicle Approvals - B-Double Routes

This item was dealt with earlier in the meeting (Minute No 173 refers).

24 [E-CM] Classification of Land as Operational - Lot 4 DP 591604 Quarry Road, South Murwillumbah

195

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 4 in DP 591604 at Quarry Road, South Murwillumbah as "Operational Land".

The Motion was **Carried**

FOR VOTE - Unanimous

PROCEDURAL MOTIONS

196

**Cr K Milne
Cr J Owen**

RESOLVED that Items 25 to 32, with the exception of Items 27 and 30, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

197

**Cr K Milne
Cr J Owen**

RESOLVED that Items 25 to 32, with the exception of Items 27 and 30, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] Clarrie Hall Dam Raising - McCabe's Bridge Replacement

198

Cr K Milne

Cr J Owen

RESOLVED that when the Clarrie Hall Dam is raised, access for residents east of McCabe's Bridge be provided by a new bridge on a roughly parallel alignment to the existing bridge.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

26 [FRIT-CM] Monthly Investment Report for period ending 31 March 2018

199

Cr K Milne

Cr J Owen

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period e ending 31 March, 2018 totalling \$310,262,311 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

27 [PCG-CM] Community Engagement Strategy

200

**Cr R Cooper
Cr K Milne**

RESOLVED that Item 27 Community Engagement Strategy be deferred to the Council Meeting of 17 May 2018 for further consideration.

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**

28 [PCG-CM] RFO2018004 Provision of Legal Services (Panel of Providers)

201

**Cr K Milne
Cr J Owen**

RESOLVED that in respect to Contract RFO2018004 Provision of Legal Services (Panel of Providers):

1. Council appoints a panel of legal service providers as follows for a period of 3 years with an option of a 2 year extension:

Category One: Planning and Environmental Law (litigation and advice)

Lindsay Taylor Lawyers
Maddocks
Hall & Wilcox
Marsdens Law Group
HWL Ebsworth Lawyers
Sparke Helmore Lawyers
Wilshire Webb Staunton Beattie
Bartier Perry

Category Two: Local Government Law (litigation and advice)

Marsdens Law Group
Prevention Partners
Maddocks
Swaab Attorneys
Hall & Wilcox

Category Three: Commercial/Property Law

HWL Ebsworth Lawyers
Maddocks
Lindsay Taylor Lawyers
Hall & Wilcox
Bartier Perry

Category Four: District and Local Court

MinterEllison Gold Coast

2. ATTACHMENTS 1, 2 3, 4, and 5 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

29 [PCG-CM] Lease to Surf Life Saving Far North Coast - Ed Parker Rotary Park, Kingscliff

202

**Cr K Milne
Cr J Owen**

RESOLVED that :

1. Council approves entering into a lease with Surf Life Saving Far North Coast branch over part of the building within Lot 287 DP 542598 for a term of five years and three further options of five years each at a nominal rental reflecting the maintenance and repair obligations of the lease; and
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [PCG-CM] Meeting Dates for Planning Committee and Council - 1 July 2018 to 30 June 2019

2032

**Cr P Allsop
Cr J Owen**

RESOLVED that Council adopts the following Meeting Dates and venues for the period 1 July 2018 to 30 June 2019:

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
5 July 2018	Tweed Heads	19 July 2018	Tweed Heads
2 August 2018	Murwillumbah	16 August 2018	Murwillumbah
6 September 2018	Tweed Heads	20 September 2018 %	Tweed Heads
4 October 2018	Murwillumbah	25 October 2018 ^	Murwillumbah
1 November 2018	Tweed Heads	15 November 2018	Tweed Heads
6 December 2018	Murwillumbah	12 December 2018 (Wednesday)	Murwillumbah
7 February 2019	Tweed Heads	21 February 2019	Tweed Heads
7 March 2019	Murwillumbah	21 March 2019	Murwillumbah
4 April 2019	Tweed Heads	17 April 2019 *	Tweed Heads
2 May 2019	Murwillumbah	16 May 2019	Murwillumbah
6 June 2019	Tweed Heads	20 June 2019	Tweed Heads

NOTE: % 20 September 2018 will include an Extraordinary Meeting for the election of the Mayor and Deputy Mayor.

^ 25 October 2018 to allow consideration of the Annual Financial Statements.

* Wednesday 17 April 2019 due to Easter Public Holidays being 19-22 April 2019 and Anzac Day falling on Thursday 25 April 2019.

The Motion was **Carried**

FOR VOTE - Unanimous

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

31 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 13 February 2018

204

**Cr K Milne
Cr J Owen**

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 13 February 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held 16 February 2018

205

**Cr K Milne
Cr J Owen**

RESOLVED that:

1. The Minutes of the Floodplain Management Committee Meeting held 16 February 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
 2. Report on Recommendations from Independent Review of SES Operations, North Coast Floods 2017

Amendment 3:

That Council requests the SES to provide feedback on the Floodplain Management Committee recommendation that:

"Tweed Shire Council adopts a policy that requires its planners to confer and consult with the Local Tweed Shire SES Controllers in all cases involving residential development of all types that are proposed to be built on land below the Probable Maximum Flood."

3. Murwillumbah CBD Flood Study Update

That the draft Murwillumbah CBD Flood Study Report and attachments be publicly exhibited.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 March 2018

206

**Cr P Allsop
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 22 March 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Pottsville Beach Public School Upgrade

That the plans for Pottsville Beach Public School upgrade be modified by the applicant in consultation with Council's Traffic Engineer as follows:

1. *The extension of the bus zone is not necessary from an operational viewpoint as it takes away access when picking up students in the afternoon.*
2. *Regulatory signage within the eastern drop off zone be reviewed to comply with school zone hours.*
3. *The proposed 'No Stopping' line marking in the northern drop off pick up area be deleted and replaced with 'No Parking' zones.*
4. *Additional 'No Stopping' line marking be placed in Cudgera Avenue continuing in to Tweed Coast Road (the south western leg of the roundabout) to complement existing 'No Stopping' signage.*

A2 [LTC-SOR] Schedule of Outstanding Resolutions 22 March 2018

A4 [LTC] Berkleys Lane, Pottsville

That this item be referred back to the Local Traffic Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

ADDENDUM ITEMS

Nil.

LATE ITEMS

34 LATE [MM-CM] Northern Rivers Joint Organisation

LATE ITEM

207

**Cr K Milne
Cr C Cherry**

RESOLVED that Item 34 being a late item be dealt with and be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

208

**Cr K Milne
Cr C Cherry**

RESOLVED that the Mayor continues to advocate for the preferred voting system as the charter is developed.

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***

35 LATE [MM-CM] Tweed Hospital Location

This item was dealt with earlier in the meeting (Minute No 175 refers).

36 LATE [E-CM] Crown Lands Long-Term Licence - Cudgen Creek Boardwalk

LATE ITEM

209

**Cr W Polglase
Cr J Owen**

RESOLVED that Item 36 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

210

**Cr W Polglase
Cr J Owen**

RESOLVED that Council:

1. Approves entering into Crown Licence RI 591201 to allow works to occur in Cudgen Creek.
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

211

**Cr C Cherry
Cr P Allsop**

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

The Motion was **Carried**

FOR VOTE - Unanimous

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 DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Tweed Water Alliance - Water Extraction - Request for Compliance Action at 477 Urliup Road, Urliup (DA03/0445), 2574 Kyogle Road, Kunghur (DA05/0995 & DA16/0579), 101 Bryens Road, Nobby's Creek (DA06/0603) and 10-20 Edwards Lane & 308 Numinbah Roa

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

Local Government Act

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

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

C 25

That Council in regard to the Tweed Water Alliance – Water Extraction – Request for Compliance Action at No. 477 Urliup Road, Urliup (DA03/0445), No. 2574 Kyogle Road, Kunghur (DA05/0995 & DA16/0579), No.101 Bryens Road, Nobby's Creek (DA06/0603) and Nos. 10-20 Edwards Lane & No. 308 Numinbah Road, Kynnumboon (DA05/1507 & DA06/1023):

1. Receives and notes the update on proposed compliance actions for No. 477 Urliup Road, Urliup, as outlined in this report and attached legal advice.
2. Council writes to the three proponents of water extraction on the following three sites:
 - No. 2574 Kyogle Road Kunghur (DA05/0995 & DA16/0579),
 - No. 101 Bryens Road Nobby's Creek (DA06/0603) and
 - Nos. 10-20 Edwards Lane & No. 308 Numinbah Road Kynnumboon (DA05/1507 & DA06/1023).

and seeks a response to the alleged compliance matters as detailed in the document prepared by Tweed Water Alliance Inc. titled "Tweed Water Mining Exposed"; and

3. A further report be submitted to Council detailing any response received in respect to Point 2.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Acid Sulfate Soil Contamination Remediation Works and SEPP14 Coastal Wetlands at Lot 1 DP1001025 No. 337 Round Mountain Road, Round Mountain and Lot 2 DP1087664, Christies Creek

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

Local Government Act

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

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

C 26

That Council:

1. Continues with the investigation into the vegetation clearing within the SEPP14 Coastal Wetlands area by issuing relevant notices seeking information and records from relevant persons; and
2. Seeks further legal advice regarding the lawfulness of the earthworks within the SEPP14 Coastal Wetlands area and options to remedy the situation if required.
3. Notes a further report on the status of the Acid Sulfate Soil project on Lot 1 DP 1001025 be brought back to Council including options for management of Acid Sulfate soil problems.

The Motion was **Carried**

FOR VOTE - Unanimous

212

Cr K Milne
Cr C Cherry

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.04pm.



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

Chairman