



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

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

# Minutes

## Ordinary Council Meeting Thursday 21 March 2019

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

Also present were Mr Troy Green (General Manager), 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 Mathew Greenwood (Acting Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance), Ms Fran Silk (Program Leader - Media & Social) 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 Pastor Rob Stuttle:

*Dear Lord*

*As we reach the two year anniversary of the 2017 floods, our thoughts and prayers are for those who have 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 continue to be a reality to them. We thank you for the resilience of our community and we thank you for the generosity we saw at the time, from those who volunteered, and gave of themselves and finances to help with the recovery of our communities.*

*The recent threat of cyclones from the north, have caused a level of anxiety to rise, as it becomes a reminder of past experiences. Yet Your Word says not to be anxious, but with prayer and supplication, with thanksgiving make our requests 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 our community and how we can bounce back in the face of adversity.*

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

*In Jesus name we Pray.*

*Amen.*

## CONFIRMATION OF MINUTES

### 1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 21 February 2019

73

Cr P Allsop  
Cr R Byrnes

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 February 2019 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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### 2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 March 2019

74

Cr P Allsop  
Cr R Byrnes

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 March 2019 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

Nil.

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

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **3 [SOR-CM] Schedule of Outstanding Resolutions at 21 March 2019**

The Schedule of Outstanding Resolutions at 21 March 2019 was received and noted.

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## **MAYORAL MINUTE**

### **4 [MM-CM] Mayoral Minute for February 2019**

**75**

**Cr K Milne**

**RESOLVED** that:

1. The Mayoral Minute for the month of February 2019 be received and noted.
2. The attendance of Councillors at nominated Conferences as follows be authorised.

13-17 May	Regionality Farm2Plate Exchange - Tweed and Byron Regions - Cr C Cherry, Cr R Cooper, Cr K Milne.
23-24 May	NSW Local Government Summit - Cr R Cooper

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**a4 [MM-CM] Draft Rural Land Strategy Review**

**76**

**Cr K Milne**

**RESOLVED** that:

1. The development of the draft Strategy be suspended for a period to enable it to be reviewed and represented with plain English and after a more inclusive stakeholder engagement
2. Expressions of Interest are called for a project reference group from a broad section of community stakeholders to review the draft strategy and to also include the Department of Primary Industries, Councillors, and Council staff from relevant areas of planning, Sustainable Agriculture, natural resource management and the communications unit.
3. The process of review should be assisted by an independent facilitator to ensure that the information is presented clearly and concisely in plain English and feedback is captured.
4. The strategy should articulate opportunities for the current community of rural land holders as well as a vision for farming and rural land management into the future.
5. The Department of Primary Industries be requested to provide advice on the short, medium and long term (50+ years) challenges and opportunities for agriculture in the Tweed in regard to Climate Change.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**RECEIPT OF PETITIONS**

**5 [ROP-CM] Receipt of Petitions at 21 March 2019**

**77**

**Cr K Milne  
Cr R Cooper**

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

- Petition received on 5 March 2019 from the residents of Beach Street, Kingscliff containing 21 signatures and advising as follows:

*"The residents are aware of the Open Spaces Strategy and other parcels of work that are underway including Draft Kingscliff Locality Plan. The residents believe that this space can be utilised in parallel to the work that is occurring and would like to put this request in motion.*

*By utilising this empty green space, it will enhance the whole community for a small investment."*

Note: The subject properties are Lot 36 DP 793925, Lot 45 DP 830193, Lot 56 DP 840688, Lot 68 DP 855991 and Lot 76 DP 855992 Beach Street Park, Elrond Drive, Kingscliff.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## ORDERS OF THE DAY

6 [NOM -Cr K Milne] Single Use Plastic

78

Cr K Milne  
Cr C Cherry

**RESOLVED** that this item be deferred to the April Council meeting.

The Motion was **Carried**

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

***AGAINST VOTE - Cr J Owen***

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7 [NOM-Cr K Milne] Public Bike Racks

79

Cr K Milne  
Cr C Cherry

**RESOLVED** that Council receives and notes the management comments identifying the review of the Bike Plan grant application for 2020.

The Motion was **Carried**

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**FOR VOTE - Unanimous**

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**8 [NOM-Cr K Milne] Electric Vehicles**

**80**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that:

1. Council writes to Tesla and to shopping centre management in the Shire to encourage the installation of electric charge stations for patrons;
2. Council to consider installing electric outlets for staff use;
3. A report be brought back on the potential for the Planning Policy to require new Development Applications for service stations to include fast charging stations.

The Motion was **Carried**

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

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**9 [NOM-Cr K Milne] Return and Earn Scheme**

**81**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** that Council requests a brief report on the "return and earn" deposit stations and operations in the Tweed Shire from the Tomra Cleanaway Company and from the Environmental Protection Authority with regard to any issues / solutions for the current locations, to include noise impacts/ complaints from residents, rubbish left on site, hygiene (regarding the need for hand washing facilities), lack of shade, queuing problems, etc. and discussion on the need for increased locations.

Cr P Allsop temporarily left the meeting at 06:10 PM.

Cr P Allsop has returned from temporary absence at 06:15 PM



The Motion was **Carried**

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

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## QUESTIONS ON NOTICE

Nil.

## REPORTS THROUGH THE GENERAL MANAGER

## REPORTS FROM THE GENERAL MANAGER

### 10 [GM-CM] Australian Local Government General Assembly 2019 - Submission of Motions

82

**Cr K Milne**  
**Cr P Allsop**

**RESOLVED** that the following proposed motions:

- Federal Budget – Environment Protection

*That the:*

- ALGA notes the 2019/20 Federal budget estimates show funding for environmental protection of \$919 million, which equates to only 0.18% of the \$504,171 million budget, with this funding set to further decline in future budgets;*
- ALGA calls on the Federal Government to substantially increase levels of funding for the environment in the 2019/2020 budget; and*
- ALGA develops an ongoing campaign strategy to increase future funding for the environment, with an aim of achieving at least 5% of the Federal budget's dedicated to environmental protection.*

- Climate Change related financial disclosures

*That the ALGA calls on the Federal Government to establish a Task Force on Climate-related Financial Disclosures to implement consistent climate-related disclosures for inclusion in annual financial reports for all levels of Government, including Councils.*

*This report is to utilise and be based upon the Financial Stability Board's Task Force on Climate-related Financial Disclosures (TCFD) recommended framework.*

and the following additional motion:

- Fast Charging Stations

*ALGA calls on COAG to develop a National strategy for the rollout of fast charging stations to facilitate the growth of the electric vehicle market and to encourage their broader uptake by the Australian community,*

be submitted for consideration at the Australian Local Government Association 2019 General Assembly.

The Motion was **Carried**

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

**AGAINST VOTE - Cr J Owen**

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## 11 [GM-CM] Review of Visitor Information Centres

83

**Cr P Allsop**

**Cr J Owen**

**PROPOSED** that Council:

1. Receives and notes the review of the Visitor Information Centres as undertaken by The Tweed Tourism Company.
2. Endorses The Tweed Tourism Company to develop a business case to move the current Visitor Information Centre operations located at the Murwillumbah Railway Station and establish a temporary co-location space in the Murwillumbah Museum until such time as the Rail Trail is established.
3. Endorses The Tweed Tourism Company to develop a business case to move the current Visitor Information Centre operations at Tweed Heads and investigate the potential of relocating these operations to Point Danger.
4. Endorses The Tweed Tourism Company to establish a mobile Visitor Information Centre as proposed in the report.
5. Notes The Tweed Tourism Company comments in relation to commitment to the VIC at Kingscliff.
6. Endorses The Tweed Tourism Company's proposal to scope a welcome program for broad implementation to Visitor Information Centre staff and volunteers, and to seek resourcing for a broader roll out.

7. Requests The Tweed Tourism Company to present the business cases as are developed to Council for consideration prior to any closure of the Visitor Information Centres.

## **AMENDMENT 1**

**84**

**Cr W Polglase  
Cr K Milne**

**RESOLVED** that Council:

1. Receives and notes the review of the Visitor Information Centres as undertaken by The Tweed Tourism Company.
2. Council does not endorse The Tweed Tourism Company developing a business case to move the current Visitor Information Centre operations located at the Murwillumbah Railway Station and establish a temporary co-location space in the Murwillumbah Museum, rather it requests the Tweed tourism company to consult with the industry to revisit a VIC at the Murwillumbah Railway Station or the former Rainforest VIC Centre and bring a further report forward to Council as soon as this consultation and consideration is complete.
3. Endorses The Tweed Tourism Company to develop a business case to move the current Visitor Information Centre operations at Tweed Heads and investigate the potential of relocating these operations to Point Danger and that this Business Case includes feedback from key industry players.
4. Endorses The Tweed Tourism Company to establish a mobile Visitor Information Centre as proposed in the report.
5. Notes The Tweed Tourism Company comments in relation to commitment to the VIC at Kingscliff.
6. Endorses The Tweed Tourism Company's proposal to scope a welcome program for broad implementation to Visitor Information Centre staff and volunteers, and to seek resourcing for a broader roll out.
7. Requests The Tweed Tourism Company to present the business cases as are developed to Council for consideration prior to any closure of the Visitor Information Centres.

Amendment 1 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**

Amendment 1 on becoming the Motion was **Carried** - (Minute No 84 refers)

**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**

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## **SUSPENSION OF STANDING ORDERS**

**85**

**Cr W Polglase**

**Cr J Owen**

**RESOLVED** that Standing Orders be suspended to deal with Item 14 of the Agenda.

The Motion was **Carried**

**FOR VOTE - Unanimous**

## **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**14 [PR-CM] Development Application DA18/0635 for the Demolition of Existing Structures, New Extended Dining and Alfresco Dining Areas, New Covered Kids Area, Modified Bowling Green, New Waste Room, Relocation of Proposed Pop Up Cafe and Alterations to Car Pa**

**86**

**Cr W Polglase**

**Cr J Owen**

**RESOLVED** that Development Application DA18/0635 for the demolition of existing structures, new extended dining and alfresco dining areas, new covered kids area, modified bowling green, new waste room, relocation of proposed pop up café and alterations to car parking arrangement at Part Lot 2 DP 1122062; Marine Parade; Lot 468 DP 755701; No. 131 Marine Parade Kingscliff be approved subject to the following conditions:

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and comprises the following elements:
  - The provision of a pop up bar/café (already approved under DA18/0517) to be permanently located to the south eastern corner of the site;
  - Demolition of internal walls and internal alterations to the southern extent of the building to provide new kitchen and servery area, close to the existing bistro/dining area;

- A new addition which includes 173m<sup>2</sup> extension to the existing bistro dining area, a new 243m<sup>2</sup> alfresco dining area, new amenities area and a new 85m<sup>2</sup> covered kids play (total floor area of 501m<sup>2</sup>);
- New waste room at the far southern boundary of the site;
- Reduction of 3 rinks (lanes) for one of the three bowling greens and new seats and shelters along the path of that bowling green;
- Relocation of flag pole, hydrant and water services in path between the bowling greens and;
- An additional seven (7) parking spaces via the reconfiguration of the existing Crown Land carpark on Lot 2 DP 1122062 relocating four (4) accessible parking spaces from the northern aspect of the building to the eastern end of the club, providing an additional two (2) visitor parking spaces on this land, and the provision of an additional five (5) staff parking spaces on the KBBC site (Lot 468 DP 755701);
- The application states that the proposed additions will continue operating in accordance with existing club operating hours, as depicted on the following plans, except where varied by the conditions of this consent.

Document/Plan Title	Drawn By	Plan Ref	Drawing No	Rev	Dated
Site Plan/Roof Plan	Paynter Dixon Constructions Pty Ltd	KGF1/2	A03	E	10.4.18
External Perspective	Paynter Dixon Constructions Pty Ltd	KGF1/2	A04	C	10.4.18
Existing Lower Ground Floor Plan	Paynter Dixon Constructions Pty Ltd	KGF1/2	A05	C	10.4.18
Existing & Proposed overall ground floor plans	Paynter Dixon Constructions Pty Ltd	KGF1/2	A06	D	10.4.18
Demolition ground floor plan	Paynter Dixon Constructions Pty Ltd	KGF1/2	A07	C	10.4.18
Proposed Floor Plan	Paynter Dixon Constructions Pty Ltd	KGF1/2	A08	D	10.4.18
North and South Elevations	Paynter Dixon Constructions Pty Ltd	KGF1/2	A09	C	10.4.18
East and West Elevations & Section A-A	Paynter Dixon Constructions Pty Ltd	KGF1/2	A10	C	10.4.18
Schedule of Materials	Paynter Dixon Constructions Pty Ltd	KGF1/2	A11	C	10.4.18
Pop up Bar perspectives	Paynter Dixon Constructions Pty Ltd	KGF1/2	A05	D	1.3.18
Pop Up Bar Perspectives	Paynter Dixon Constructions Pty Ltd	KGF1/2	A06	D	1.3.18
Pop Up Bar Perspectives	Paynter Dixon Constructions Pty Ltd	KGF1/2	A07	D	1.3.18

[GEN0005]

2. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.

[GEN0015]
3. Advertising structures/signs beyond that identified on the stamped approved plans are to be the subject of a separate development application (where statutorily required).

[GEN0065]
4. The backlit illuminated signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
6. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]
7. A sewer manhole is present on this site. Manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[GEN0155]
8. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]
9. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2017.

[GEN0360]
10. The recommendations contained in the Final Aboriginal Cultural Heritage Assessment Report prepared by Everick Heritage Consultants dated February 2018 are to be adopted and implemented as part of the approved works.

[GENNS02]
11. Seven (7) additional parking spaces (total of 161 spaces) are to be provided as part of the approved development as per the following:
  - 5 additional staff parking spaces on Lot 468 DP 755701 in accordance with Site Plan KGF 1/2, A03, Rev E and;
  - 2 additional spaces within the adjacent crown land car park on Lot 2 DP 1122062.

The additional five (5) staff parking spaces provided on the Kingscliff Beach Bowling Club site (Lot 468 DP 755701) are to be made available to all staff and are not permitted to be allocated to individual staff or club members.

[GENNS03]

12. No modification to the existing external illumination of the club and associated carparking areas is permitted under this consent.

[GENNS04]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 (as amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 development consent No. DA18/0517 dated 6 December 2018 shall be surrendered by lodgement of the prescribed information suitably executed, PRIOR to the issue of a Construction Certificate.

[PCC0005]

14. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:  
77.85 Trips @ \$1283 per Trips \$59,929.20  
(\$1,137 base rate + \$146 indexation)  
(\$39,952.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')  
CP Plan No. 4  
Sector6\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
0.086 ET @ \$2187.14 per ET \$188.09  
(\$1,759.90 base rate + \$427.24 indexation)  
CP Plan No. 18

Section 7.11 contributions applicable could be levied through a deferred payment incentive in accordance with Councils Business Investment Policy. A written agreement between the applicant and Council is to be entered into for deferred payment of charges in accordance with the incentive threshold and deferral periods contained in the Business Investment Policy.

[PCC0215]

15. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 3.23 ET @ \$13,926 = \$44,981.00

Sewer: 5.263 ET @ \$6,690 = \$35,028.80

[PCC0265]

16. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

17. A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1145]

18. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.



- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

19. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

20. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein.

[PCC1265]

21. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

22. Prior to the issue of construction certificate, a food fit-out application with applicable fee shall be provided to Council for assessment and approval. Plan drawn to a scale of 1:50 detailing the following with regards to all food related areas to be provided:

- a. Floor plan and two (2) sectional elevations
- b. Layout of premises showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- e. Servery areas including counters etc

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

23. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

24. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and

- (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
26. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0255]
27. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
- [PCW0665]
28. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the

duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

29. All works shall comply with Preliminary Site Investigation report prepared by HMC Environmental Consulting Pty Ltd (reference: HMC2018.017) dated February 2018. A preliminary soil investigation to be submitted to Council with a remediation action plan if soil investigation identifies contaminants of potential concern exceeding investigation criteria. If a Remediation Action Plan is required, earthworks shall not commence on site until reviewed and approved by the General Manager or his delegate.

[PCWNS01]

30. Detailed design of car parking linemarking modifications on Lot 2 DP 1122062, demonstrating compliance with AS2890 requirements, are to be submitted to Council and approved by Director of Engineering before works commence. No spaces within this car park area are to be reserved.

[PCWNS02]

#### DURING CONSTRUCTION

31. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

32. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

33. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

34. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

35. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

36. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

37. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

38. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

39. Excavation

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

40. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2017.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

41. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

42. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

43. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

- [DUR1075]
44. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.
- [DUR1685]
45. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.
- [DUR1695]
46. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
- [DUR1725]
47. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.
- [DUR2015]
48. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.
- [DUR2185]
49. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
  - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) external drainage prior to backfilling.
  - (d) completion of work and prior to occupation of the building.
- [DUR2485]
50. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
51. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
-

[DUR2535]

52. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

53. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

54. A hose tap shall be provided adjacent to each grease arrester for the purpose of cleaning the arrester. The water supply shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

55. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

56. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

57. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

58. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

59. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

60. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

61. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

62. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

63. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

64. Prior to an Occupation Certificate being issued, a Post Construction Noise Impact Compliance Assessment report prepared by a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate.

The assessment report shall consider the Acoustic Report for the proposed alterations and additions of Kingscliff Beach Bowls Club, prepared by Acoustic Works (Reference:TSC DA No. 18/0635) and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant.

The applicant shall carry out any such recommendations as provided within the Post Construction Noise Impact Compliance Assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[POCNS02]

## USE

65. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

66. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

67. Hours of operation are limited as follows:

- Hours of operation of the pop up bar are restricted to the hours from 4pm until 8.30pm - Mondays to Sundays and Public Holidays;
- The use of external areas (outdoor dining, bar and playground) are restricted to the hours 8am to 10pm Monday to Sunday.

[USE0185]

68. 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 his 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.

[USE0245]

69. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Acousticworks (Reference: 2018026 R02C Kingscliff Beach Bowls Club Additions ENV.doc) dated 29 November 2018.

[USE0305]

70. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Council's Environmental health Officer included in this approval.

[USE0835]

71. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

## AMENDMENT 1

87

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

**PROPOSED** that Council holds a workshop with regard to feedback from the trial period of the popup café, consultation process, visual and noise impacts and sea level rise issues.

Amendment 1 was **Lost**

**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**

The Motion was **Carried** (Minute No 86 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**

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 7.36pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 8:19 pm

## **RESUMPTION OF STANDING ORDERS**

**88**

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

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**12**            **[GM-CM] Destination Management Plan**

**89**

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

**RESOLVED** that Council refers the proposed amendments to the Destination Management Plan to Destination Tweed and Tweed Experiences Network for feedback and brings back a report to Council 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***

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**13**            **[GM-CM] Australian SAE Surf Championship - Partnership Proposal**

**90**

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

**PROPOSED** that Council does not support Surfing Australia's event proposal for the 2019 Australian SAE Surf Championships.

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**AMENDMENT 1**

**91**

**Cr R Byrnes  
Cr W Polglase**

**RESOLVED** that Council allocates \$10,000 to Surfing Australia for the conduct of the 2019 SAE Surf Championship and enters into a one year Events Sponsorship Agreement.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 91 refers)

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

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**14 [PR-CM] Development Application DA18/0635 for the Demolition of Existing Structures, New Extended Dining and Alfresco Dining Areas, New Covered Kids Area, Modified Bowling Green, New Waste Room, Relocation of Proposed Pop Up Cafe and Alterations to Car Parking Arrangement at Part Lot 2 DP 1122062; Marine Parade; Lot 468 DP 755701; No. 131 Marine Parade Kingscliff**

Item 14 was dealt with earlier in the meeting (Minute No 86 refers).

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

**15 [CNR-CM] Surf Life Saving Services Summer Report 2018-2019**

**92**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that the Australian Lifeguard Service report for Summer 2018-2019 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**16 [CNR-CM] Proposed Renaming of Park - Burringbar**

**93**

**Cr C Cherry  
Cr K Milne**

**PROPOSED** that Council considers calling for comment for an alternative renaming of the park located at the old railway station in Burringbar.

**AMENDMENT 1**

**94**

**Cr W Polglase  
Cr P Allsop**

**PROPOSED** that Council renames the park located at the old railway station in Burringbar 'Masterson and RSL Memorial Park' and erects signage.

Amendment 1 was **Lost**

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

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

**AMENDMENT 2**

**95**

**Cr R Byrnes  
Cr K Milne**

**RESOLVED** that this item be deferred to the April Council meeting to allow the Director Community and Natural Resources to further negotiate with various stakeholders.

Amendment 2 was **Carried**

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

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

Amendment 2 on becoming the Motion was **Carried** - (Minute No 95 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**

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## PROCEDURAL MOTIONS

96

Cr C Cherry  
Cr K Milne

**RESOLVED** that Items 17 to 23 be considered in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

97

Cr C Cherry  
Cr K Milne

**RESOLVED** that Items 17 to 23 be moved in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

17            **[CNR-CM] Amendment to Deed of Agreement - Richmond Tweed Regional Library**

98

Cr C Cherry  
Cr K Milne

**RESOLVED** that Council:

1. approves the following amendment to Clause 23 of the Deed of Richmond Tweed Regional Library Deed of Agreement dated 29 November 2017:  
*23 Termination*
  - 23.1 *This Deed may be terminated before the Expiry Date if written notice to that effect is given to the Executive Council signed by a majority of the Member Councils.*
  - 23.2 *Upon termination of this Deed or the Expiry Date, whichever occurs first, the value of the RTRL Assets is to be realised by the Executive Council and the net proceeds are to be distributed to the Member Councils as follows:*
    - 23.2.1 *Each Founding Member Council will be entitled to an equal share of the total equity of the Regional Library as at 30 June 2017; and*
    - 23.2.2 *Each Member Council will be entitled to a share of any changes in total equity from 1 July 2017 to the date of termination in the same proportion as its financial contribution to the Regional Library bears to the total of all the financial contributions by each Member Council over the duration of this Agreement.*

2. delegates the General Manager to finalise and execute the amendment as proposed in this report to the Richmond Tweed Regional Library Deed of Agreement dated 29 November 2017.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**18 [CNR-CM] Allocation of Community Sponsorship**

**99**

**Cr C Cherry**

**Cr K Milne**

**RESOLVED** that:

1. Council endorses the following recommendations for the allocation of the 2018/2019 Community Sponsorship Policy:

Applicant	Amount
Tweed Valley Rural and Community Advancement Co-Op	\$10,000
Victory House Rehabilitation Program (Vibe Care Ltd)	\$5,000
Support for New Mums Inc.	\$5,000
Public Act Theatre	\$2,600
<u>Cabarita Youth Service Inc.</u>	<u>\$7,000</u>
Total	\$29,600

2. The remaining budget for Community Sponsorship at the end of the financial year be carried over and added to the 2019/2020 budget allocation.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**19 [CNR-CM] Tweed Coast Koala Study 2018**

**100**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that the report on the Tweed Coast Koala Study 2018 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**20 [E-CM] RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works**

**101**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that in respect to Contract RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works:

1. Council awards the offer to Stabilised Pavements Australia Pty Ltd ABN 90 002 900 736 ACN 002 900 736 for the amount of \$313 836.07 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**21 [E-CM] Drought Water Restrictions Policy - Residential Consumption Targets**

**102**

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

**RESOLVED** that Council adopts the updated targets for residential water consumption, in the event of Water Restrictions, as set out in the table above and amends the Drought Water Restrictions Policy accordingly.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**22 [E-CM] B-Double Applications - Meeting held 28 February 2019**

**103**

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

**RESOLVED** that:

1. The Minutes of the B-Double Agency Advisory Group Meeting held Thursday 28 February 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

Business Arising From Meeting held 20 December 2018:

1. Leddays Creek Road, Stotts Creek Consent Request No 190490r1v1 (ECM 5594381) from Meetings held 18 October 2018, 22 November 2018 and 20 December 2018.

*That the application (NHVR Consent Request Number 190490r1v1) for the use of up to a 26m B-Double truck on Leddays Creek Road, Stotts Creek to the Waste Recovery Centre application is not supported as the minimum lane and shoulder widths are too narrow to cater for Level 2 heavy vehicles according to the PBS Network Class Guidelines.*

Agenda Items:

1. New Trailer Configuration - request from Sunshine Sugar

*That a written response confirming Tweed Shire Council's "Approval in Principle" to Sunshine Sugar's proposal to run quad axle trailers under the PBS scheme be provided to Sunshine Sugar.*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**23 [E-CM] Classification of Land as Operational - 701 Doon Doon Road, Doon Doon**

**104**

**Cr C Cherry**

**Cr K Milne**

**RESOLVED** that Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 32 DP 755743, 701 Doon Doon Road, Doon Doon as "Operational Land".

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**24 [E-CM] Appointment of Native Title Managers**

**105**

**Cr K Milne**

**Cr R Cooper**

**RESOLVED** that:

1. Notice be given to the Minister for Lands and Forestry of the names and contact details of any person that Council employs who meets the requirements of the *Crown Land Management Act, 2016* as Native Title Manager/s.
2. Council provides such future notices as required by the *Crown Land Management Act, 2016* in relation to employees who meet the requirements to act as Native Title Manager/s.
3. Council requests the General Manager seek interest from suitably qualified indigenous staff as to whether they would be interested in pursuing training to serve and assist Council as a Native Title Manager.

Cr P Allsop temporarily left the meeting at 09:17 PM.

Cr P Allsop has returned from temporary absence at 09:20 PM

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Cherry**

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**25 [E-CM] Licence for Temporary Access on Council Land - Tweed Heads Wastewater Treatment Plant**

**106**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council defers this item to the April Council Meeting.

The Motion was **Carried**

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

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**REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY**

**26 [FRIT-CM] Fossil Fuel Divestment**

**107**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council defers this item to April council meeting.

The Motion was **Carried**

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

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**27 [FRIT-CM] NSW Government Parking Fine Concessions**

**108**

**Cr R Cooper  
Cr P Allsop**

**RESOLVED** that Council does not opt into the NSW Parking Fines Concession arrangement.

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**

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**28 [FRIT-CM] Monthly Investment Report for Period ending 28 February 2019**

**109**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 28 February 2019 totalling \$328,354,162 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE**

**29 [PCG-CM] RFO2018145 Casual Labour Hire and Associated Services Contract**

**110**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that this item be deferred to the April Council Meeting for an amended report to be brought back.

The Motion was **Carried**

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

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**30 [PCG-CM] Customer Experience Standards and Managing Unreasonable Customer Conduct**

111

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

**RESOLVED** that following a 50 day exhibition period from Monday 17 December until close of business Monday 4 February 2019, it is recommended that Council adopts the:

1. Service Experience Standards which replaces the Customer Service Charter v1.2 and Response to Correspondence Policy.
2. Managing Unreasonable Conduct Policy which replaces the Dealing with Difficult People Policy.
3. Amends the text relating to Councillors in the Service Experience Standards to state that *Councillors as elected members are governed by the Code of Conduct rather than these Standards and change phrase '... be better' to 'be our best'*.

Cr W Polglase temporarily left the meeting at 09:44 PM.

Cr W Polglase has returned from temporary absence at 09:46 PM

Cr J Owen temporarily left the meeting at 09:50 PM.

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne**  
**AGAINST VOTE - Cr W Polglase, Cr P Allsop**  
**ABSENT. DID NOT VOTE - Cr J Owen**

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**DELEGATE REPORTS**

Nil.

Cr J Owen has returned from temporary absence at 09:51 PM

**PROCEDURAL MOTIONS**

**112**

**Cr P Allsop  
Cr K Milne**

**RESOLVED** that Items 31 to 33 be considered in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**113**

**Cr P Allsop  
Cr K Milne**

**RESOLVED** that Items 31 to 33 be moved in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**31 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 4 February 2019**

**114**

**Cr P Allsop  
Cr K Milne**

**RESOLVED** that the Minutes of the Sports Advisory Committee Meeting held Monday 4 February 2019 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**32 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019**

**115**

**Cr P Allsop  
Cr K Milne**

**RESOLVED** that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**33 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 28 February 2019**

**116**

**Cr P Allsop  
Cr K Milne**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 28 February 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1. [LTC] Tweed Food Fest Saturday 18 May 2019

*That the proposed Tweed Food Fest on Saturday 18 May 2019 from 12 noon to 11pm be supported, subject to:*

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected business owners.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*

6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the event.*
11. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
15. *The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.*

A2. [LTC] Tweed Food Fest Saturday 21 September 2019

*That the proposed Tweed Food Fest on Saturday 21 September 2019 from 12 noon to 11pm be supported, subject to:*

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by the Murwillumbah Business Chamber, emergency services and affected businesses owners.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the event.*
11. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*

12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

A3. [LTC] Tweed Food Fest Saturday 7 December 2019

*That the proposed Tweed Food Fest on Saturday 7 December 2019 from 12 noon to 11pm be supported, subject to:*

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected businesses owners.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the event.*
11. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
15. *The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.*

A4. [LTC] 2019 Australian SLS IRB Championships

*That the proposed IRB Championships at Kingscliff on Thursday 11 July 2019 through to Sunday 14 July 2019 be supported subject to:*

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by the Kingscliff Chamber of Commerce and affected businesses.*
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
- 4. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
- 7. Adequate public liability insurance being held by the event organiser.*
- 8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
- 9. Consultation with emergency services and any identified issues addressed.*
- 10. Arrangements made for private property access and egress affected by the event.*
- 11. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
- 12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
- 13. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
- 14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

**A6. [LTC] Illegal Camping at Coral Street, Tweed Heads**

*That the Committee supports the installation of "No Parking 11.00pm to 4.00am" signs on Coral Street, Tweed Heads from Boundary Street to Eden Street, including road related areas.*

**A7. [LTC] Partial Road Closure - Coral Street, Tweed Heads**

*That the proposed closures of Coral Street, Tweed Heads to facilitate filming activities is supported, subject to modifications to the submitted Traffic Control Plans to enable adequate "u turn" facilities for motorists entering the closed area.*



The Motion was **Carried**

***FOR VOTE - Unanimous***

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#### **ADDENDUM ITEMS**

Nil.

#### **LATE ITEMS**

Nil.

#### **CONFIDENTIAL COMMITTEE**

#### **EXCLUSION OF PRESS AND PUBLIC**

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**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***

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

## REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

### C1 [GM-CM] Application Under Business Investment Policy

#### REASON FOR CONFIDENTIALITY:

##### Local Government Act

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

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

#### AMENDMENT 1

##### C 29

That Council:

1. Approves the roads developer contribution charges (s.94) for the approved expansion of the Dunloe Park sand quarry (DA08/1247) to be paid over a period of six (6) years. Payments will be required to be made in six (6) equal instalments due commencing 12 month from the execution of the deferral and payment agreement.
2. Enters into an agreement with Holcim (Australia) Pty Ltd for the deferral of developer contribution charges as identified in condition 13 of the approved expansion of the Dunloe Park sand quarry (DA08/1247).
3. Executes all documentation under the Common Seal of Council.
4. Staff continue to seek improved outcomes for Koalas from this development.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No C29 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**

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

**C2 [PR-CM] Class 1 Appeal - Development Application DA18/0001 for a Rural Land Sharing Community Comprised of 13 Dwelling Sites Over 5 stages at Lot 1 DP 1054943; No. 54 Wallum Court Clothiers Creek**

### REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence the appeal process.

#### 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.

### AMENDMENT 1

#### C 32

That Council engages solicitors and relevant experts to attend any necessary section 34 conference and **negotiate consent orders**; and provides delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager and Mayor to undertake negotiations as necessary.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No C32 refers)

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

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## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C3 [E-CM] Proposed Disposal of Council Land - 218 Kennedy Drive, Tweed Heads West

#### REASON FOR CONFIDENTIALITY:

The commercial terms of sale of this property are to remain confidential.

#### 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.

mhm

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#### Behind the scenes

*Providing support to make it happen*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.3 Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

ROLE: **Leader**

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### C 33

That:

1. Council approves the disposal of Council land being Lot A in DP 407658 by public auction in accordance with Council's Policy for the Disposal of Land.
2. Council engages Professionals Coolangatta Tweed in relation to the disposal of the land.
3. Council relies on the market appraisal obtained from the Professionals Coolangatta Tweed as a guide to set the reserve price for sale of the land at public auction.
4. Council executes all necessary documentation under the Common Seal of Council if there is a bid that meets the reserve price as set out in the valuation by Valuers Australia.

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**

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## **LATE ITEMS IN COMMITTEE**

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

**C4 LATE [PR-CM] Alleged Unauthorised Works within Crown Road Reserve - Zara Road, Limpinwood**

#### **REASON FOR CONFIDENTIALITY:**

This matter is subject to current legal action.

#### **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.

## **LATE ITEM**

### **C 34**

That Confidential Item C4 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 - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen, Cr W Polglase**

**AGAINST VOTE - Cr P Allsop**

### **C 35**

That Council responds to Hickeys Lawyer's letter dated 20 March 2019 rejecting the proposed settlement offer contained therein, but stating that Council is prepared to negotiate with John Mervyn Fish in relations to items 3.2.3 and 3.2.4 of Council's letter dated 21 February 2019.

Cr Owen left the meeting at 11.14pm.

Cr Owen returned to the meeting at 11.15pm

The Motion was **Carried**

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

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

**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 11.20PM.



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

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**Chairman**

