

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 November 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.

Items for Consideration of Council:

The Meeting commenced at 5.36pm.

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 Ms Tracey Stinson (for the General Manager), Mr Anthony Burnham (for the Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Andrew Illingworth (for the Director Sustainable Communities and Environment), Mr Warren van Wyk (Director Corporate Services), Mr Michael Chorlton (Manager Financial Services), Ms Stephanie Papadopoulous (Manager Corporate Governance), Mr Steven Titman (Social Media & Digital Marketing Officer) 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, Father Anthony Lemon:

A Simple Prayer

*O Lord make me an instrument of your peace;
Where there is hatred, let me put love,
Where there is resentment let me put forgiveness,*

*Where there is discord let me put Unit,
Where there is doubt let me put faith,
Where there is error let me put truth,
Where there is despair let me bring happiness,
Where there is sadness let me bring joy,
Where there is darkness let me bring light.*

*O Master grant that I may desire rather;
To console than to be consoled.
To understand rather than to be understood.
To love rather than be loved.
(St Francis)*

APOLOGIES

Mr Troy Green (General Manager-absent from the Shire), Mr David Oxenham (Director Engineering-on Leave).

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 24 October 2019

499

**Cr P Allsop
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 24 October 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

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

500

**Cr P Allsop
Cr C Cherry**

RESOLVED that:

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

DISCLOSURE OF INTEREST

Mr A Burnham (for the Director Engineering) has a Pecuniary interest in Item 10 as a staff member of the Engineering Division. The nature of this interest is that the applicant on behalf of Council for the land swap is a staff member of the Engineering Division. Mr Burnham will vacate the Chambers during discussion and voting.

Cr P Allsop declared a Pecuniary interest in Item 10. The nature of this interest is that he has a business in the land swap area. Cr P Allsop will vacate the Chambers during discussion and voting.

Cr C Cherry declared a non-significant, non-pecuniary interest in Item 14. The nature of this interest is that Cr Cherry's family owns a holiday park in Shire. Cr Cherry will vacate the Chambers during discussion and voting.

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 November 2019

The Schedule of Outstanding Resolutions is received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for October 2019

501

Cr K Milne

RESOLVED that the Mayoral Minute for the month of October 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

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

502

Cr P Allsop
Cr K Milne

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

- **Petition received from Tweed Rural Sustainability Alliance on 28 October 2019 containing 819 valid signatures and advising as follows:**

We the undersigned request that Tweed Shire Council:

1. *Allow Secondary Detached Dwellings on all RU1 and RU2 lots regardless of size to bring the shire into line with the other 5 surrounding shires of Byron, Ballina, Kyogle, Lismore and Tenterfield.*
2. *Enters into meaningful dialogue with Tweed rural land holders to formulate the new Rural Land Strategy.*

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Nil.

SUSPENSION OF STANDING ORDERS

503

Cr K Milne
Cr R Cooper

RESOLVED that Standing Orders be suspended to deal with late Item 32 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

32 LATE [PR-CM] Community Engagement and Participation Plan

LATE ITEM

504

Cr K Milne
Cr C Cherry

RESOLVED that Item 32 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

505

Cr C Cherry
Cr K Milne

RESOLVED that Council:

1. Receives and notes the summary of public submissions received in response to the public exhibition of the Draft Community Engagement and Participation Plan;
2. Endorse the Community Engagement and Participation Plan, as amended and detailed in the report;
3. Forwards the Community Engagement and Participation Plan to the Department of Planning, Infrastructure and Environment for publication on the NSW Planning Portal as required by s 2.24 of the *Environmental Planning and Assessment Act, 1979 (NSW)*; and
4. Repeals the *Tweed Development Control Plan Section A11* and publically notifies the repeal in accordance with Clause 23 of the *Environmental Planning and Assessment Regulation 2000*.
5. Gives further consideration to seeking consensus in responding to significant concerns raised by the community to Council decisions.
6. In a review of the Plan considers how it might provide reasons for decisions against officer recommendations.
7. Amends Section C2 Appendix 2 to delete the word Horticulture from the Not Notified section.

The Motion was **Carried**

FOR VOTE - Unanimous

ITEMS BY EXCEPTION

506

Cr K Milne
Cr C Cherry

RESOLVED that Items 9, 11, 12, 16, 17, 19, 22 to 31 to be considered in block

The Motion was **Carried**

FOR VOTE - Unanimous

Cr K Milne
Cr C Cherry

RESOLVED that Items 9, 11, 12, 16, 17, 19, 22 to 31 to be moved in block.

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***

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

9 [GM-CM] Annual Code of Conduct Report - 1 September 2018 to 31 August 2019

507

Cr K Milne
Cr C Cherry

RESOLVED that Council receives and notes this report on the Code of Conduct Complaints for the period 1 September 2018 to 31 August 2019 and the return be submitted to the Office of Local Government.

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***

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

11 [SCE-CM] Crown Reserves Improvement Fund Grant

508

**Cr K Milne
Cr C Cherry**

RESOLVED that Council accepts the grant from the NSW Government's 2019-2020 Crown Reserves Improvement Fund of \$54,384 towards the repair of the eastern end revetment wall at Jack Evans Boat Harbour and votes the income and expenditure.

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**

12 [SCE-CM] Exhibition of Draft Community Development Strategy

509

**Cr K Milne
Cr C Cherry**

RESOLVED that the draft Community Development Strategy 2020/2024 be placed on public exhibition for a minimum period of 42 days.

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**

REPORTS FROM DIRECTOR ENGINEERING

16 [E-CM] Adoption of Development Control Plan Section A3 - Development of Flood Liable Land - Version 1.5

510

**Cr C Cherry
Cr K Milne**

RESOLVED that Council:

1. Adopts the Tweed DCP 2008 Section A3 - Development of Flood Liable Land (Version 1.5) as amended and provided in Attachment 1 of this report.
-

2. Gives public notice of its decision and the date of commencement of the Development Control Plan amendment in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000.
3. Provides a copy of the Development Control Plan amendment to the Department of Planning and Environment within 28 days in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

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

17 [E-CM] Adoption of the South Murwillumbah Floodplain Risk Management Study and Plan

511

Cr K Milne
Cr C Cherry

RESOLVED that Council adopts the South Murwillumbah Floodplain Risk Management Study and Plan.

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

19 [E-CM] RFO2019036 Provision of Ground Maintenance Services at Water & Wastewater Facilities

512

Cr K Milne
Cr C Cherry

RESOLVED that in respect to Contract RFO2019036 Provision of Ground Maintenance Services at Water and Wastewater Facilities:

1. Council awards the Contract to Jamie Russell Godfrey ABN 66 434 822 at the rates listed in the Confidential Attachment 1 RFO2019136 Offer Evaluation Report for a period of 24 months and the General Manager be given delegated authority to extend the contract for a further possible 2 x 12 month periods. The estimated value of the Contract over the initial 2 year Contract period is \$176,227 (incl 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 - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen, Cr P Allsop
AGAINST VOTE - Cr W Polglase

REPORTS FROM EXECUTIVE MANAGER FINANCE REVENUE AND INFORMATION TECHNOLOGY

22 [FRIT-CM] Draft 2018/2019 Financial Statements

513

Cr K Milne
Cr C Cherry

RESOLVED that:

1. In accordance with Section 413(1) of the Local Government Act 1993, Council refers the General Purpose Financial and Special Purpose Financial Reports for audit.
2. The statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413(2) (c) of the Local Government Act 1993 and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting for the financial period 2018/2019, be executed.

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

23 [FRIT-CM] Quarterly Budget Review - September 2019

514

Cr K Milne

Cr C Cherry

RESOLVED that the:

1. Quarterly Budget Review Statement as at 30 September 2019 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2020.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	122,900	0
Materials & Contracts	3,566,217	0
Interest	0	0
Other Operating costs	0	0
Capital	2,772,792	0
Loan Repayments	0	0
Transfers to Reserves	0	753,960
	6,461,909	753,960
<u>Income</u>		
Rates and Annual Charges	0	2,088,087
Interest revenue	0	0
Operating Grants & Conts	0	506,886
Capital Grants & Conts	0	1,361,774
User Charges & Fees	0	209,956
Other Operating Revenue	0	10,000
Loan Funds	0	450,069
Recoupments	0	500,000
Transfers from Reserves	0	581,177
Asset Sales	0	0
	0	5,707,949
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	701,176	0
Interest	0	0
Other Operating costs	0	0
Capital	4,031,994	0
Loan Repayments	0	0
Transfers to Reserves	0	4,586,251
	4,733,170	4,586,251
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	5,605	0
Operating Grants & Conts	0	0
Capital Grants & Conts	3,492,147	0
User Charges & Fees	0	0
Other Operating Revenue	0	0

Description	Change to Vote	
	Deficit	Surplus
Loan Funds	0	0
Recoupments	0	1,536,233
Transfers from Reserves	0	2,108,438
Asset Sales	0	0
	<u>3,497,752</u>	<u>3,644,671</u>
Net Surplus/(Deficit)		<u>0</u>
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	870,237
Interest	0	0
Other Operating costs	0	0
Capital	5,438,251	0
Loan Repayments	0	0
Transfers to Reserves	0	6,367,979
	<u>5,438,251</u>	<u>7,238,216</u>
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	72,654
Operating Grants & Conts	0	0
Capital Grants & Conts	4,718,861	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	733,500	0
Transfers from Reserves	0	3,579,742
Asset Sales	0	0
	<u>5,452,361</u>	<u>3,652,396</u>
Net Surplus/(Deficit)		<u>0</u>

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

24 [FRIT-CM] Corporate Quarterly Performance Report - 1 July to 30 September 2019

515

Cr K Milne
Cr C Cherry

RESOLVED that Council:

1. Receives and notes the Corporate Quarterly Performance Report as at 30 September 2019.
2. Adopts the amended Delivery Program 2017-2021/Operational Plan 2019-2020.

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

25 [FRIT-CM] Monthly Investment Report for Period ending 31 October 2019

516

Cr K Milne
Cr C Cherry

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the Monthly Investment Report as at period ending 31 October 2019 totalling \$363,426,914.99 be received and noted.

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

REPORTS FROM EXECUTIVE MANAGER PEOPLE COMMUNICATION AND GOVERNANCE

26 [PCG-CM] Audit, Risk and Improvement Committee Report for the year ended 30 June 2019

517

Cr K Milne
Cr C Cherry

RESOLVED that Council receives and notes the Audit, Risk and Improvement Committee Annual Report highlighting its activities for the financial year ended 30 June 2019.

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

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

27 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 17 September 2019

518

**Cr K Milne
Cr C Cherry**

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 17 September 2019 be received and noted.

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**

28 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 14 October 2019

519

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Sports Advisory Committee Meeting held Monday 14 October 2019 be received and noted; and
2. The Executive Leadership Team's Recommendations be adopted as follows:

5. Sports Field Licences Fund Applications

- i) *Pottsville Cricket Club - Cricket Pitch and Slab under Shade Structure*

That Council approves the application for funding from Pottsville Cricket Club for \$7,742.50 for a concrete slab and portable synthetic cricket pitch from the sports field licences fund.

- ii) *Tweed Coast Raiders Senior Rugby League Club/Tweed Coast Raiders Junior Rugby League Club- High Performance Facility*

That Council approves the application for funding from Tweed Coast Raiders Senior Rugby League Club for \$20,000 to construct a high performance training facility at the Les Burger field from the sports field licences fund.

iii) *Tweed Border Hockey Association - Field 1 Resurface*

That Council approves the application for funding from the Tweed Border Hockey Association for \$20,000 for the resurfacing of the synthetic pitch on the main hockey field from the sports field licences fund.

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

29 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 16 October 2019

520

Cr K Milne
Cr C Cherry

RESOLVED that the minutes of the Equal Access Advisory Committee Meeting held Wednesday 16 October 2019 be received and noted.

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

30 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 24 October 2019

521

Cr K Milne
Cr C Cherry

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held 24 October 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Condong Street and Riverview Street, Murwillumbah

That the installation of a yellow 'No Stopping' edge line on Condong Street from Riverview Street to the driveway of 48 Condong Street be supported.

A2 [LTC] Clareville Road, Smiths Creek

That 'No Parking 3 to 4.30pm school days' signage be supported in the bulb of Clareville Road to safely manoeuvre the school bus.

A3 [LTC] Tweed Coast Road, Chinderah

That:

- 1. The right turn lane from Tweed Coast Road into Morton Street be shortened and install a back to back right turn into the golf course.*
- 2. Signage on the southbound approaches to Morton Street, Chinderah, from the service station be reviewed.*
- 3. Crash history and possible treatments for a possible Black Spot nomination for 2021/2022 be considered.*

A4 [LTC] Minjungbal Drive and Lloyd Street, Tweed Heads South

That a 'No U-Turn' sign be installed in the centre median of Minjungbal Drive on the southern approach to Lloyd Street, Tweed Heads.

A5 [LTC] 2020 NSW Surf Life Saving Country Championships - 31 January to 2 February 2020

That the Traffic Management Plan for the NSW Surf Life Saving Championships from Friday 31 January to Sunday 2 February 2020 be supported subject to the following conditions:

- 1. NSW Police approval being obtained.*
- 2. Conformance with a Traffic Management Plan and associated Traffic Control Plans (submitted to Council at least 2 weeks before the event) implemented and controlled by Roads & Maritime Services accredited persons.*
- 3. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
- 4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link and local newspapers, 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.*
- 5. Adequate public liability insurance being held by the event organiser.*
- 6. 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.*
- 7. Consultation with emergency services and any identified issues addressed.*
- 8. 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 and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*

9. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
10. *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] Hastings Road and Reef Water Circuit, Bogangar

That a continuity line be installed on Hastings Road at the intersection of Reef Water Circuit.

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

31 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held via Email 5 and 6 November 2019

522

Cr K Milne
Cr C Cherry

RESOLVED that:

1. The Minutes of the urgent Local Traffic Committee Meeting held via email on 5 and 6 November be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

U1 [LTC] Falls Festival Byron at North Byron Parklands

That the proposed Falls Festival Byron at North Byron Parklands from 31 December 2019 to 2 January 2020 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Conformance with a Traffic Management Plan and associated Traffic Control Plans (submitted to Council at least 2 weeks before the event) implemented and controlled by Roads & Maritime Services accredited persons.*
3. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
4. *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.*
5. *Adequate public liability insurance being held by the event organiser.*
6. *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.*

7. Consultation with emergency services and any identified issues addressed.
8. Arrangements made for private property access and egress affected by the event.
9. 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 and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
10. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.
11. The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.
12. Monitoring of vehicle volumes that arrive and depart the festival site and on the local road network.
13. Bus bays utilised within the Tweed Shire are to be monitored and kept free from excess rubbish.

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

RESUMPTION OF STANDING ORDERS

523

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

524

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Item 10 and 13 of the Agenda.

The Motion was **Carried**

REPORTS FROM THE GENERAL MANAGER

10 [GM-CM] Industry Central Land Swap - Endorsement of Preferred Applicants as Successful Applicants

DECLARATION OF INTEREST

Mr A Burnham (for the Director Engineering) has a Pecuniary interest in Item 10 as a staff member of the Engineering Division. The nature of this interest is that the applicant on behalf of Council for the land swap is a staff member of the Engineering Division. Mr Burnham vacated the Chambers during discussion and voting.

Cr P Allsop declared a Pecuniary interest in Item 10. The nature of this interest is that he has a business in the land swap area. Cr P Allsop vacated the Chambers during discussion and voting.

Cr P Allsop temporarily left the meeting at 06:22 PM.

525

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council endorses the Preferred Applicants nominated by the Project Team as Successful Applicants as recommended under Option 1;
2. Council delegates authority to the General Manager to enter into negotiations with the Successful Applicants regarding Land Exchange Agreements and contracts for the sale of land;
3. When individual contracts are ready for exchange a further report will be presented to Council seeking a resolution to execute the contract under the Common Seal of Council.
4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was Carried

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr P Allsop**

Cr P Allsop has returned to the meeting at 06:25 PM

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

13 [SCE-CM] Community Facilities Plan 2019 - 2036

526

**Cr K Milne
Cr W Polglase**

RESOLVED that Council:

1. Notes the submissions received and changes made to the Community Facilities Plan.
2. Adopts the Community Facilities Plan 2019/2036.
3. Notes that a report on the findings of a review of Section 7.11 Contribution Plans pertaining to community facilities and libraries will follow this work.
4. Council gives particular consideration to areas of high disadvantage such as Tweed Heads West.
5. The following **bold** amendments be made to the Community Facilities Plan:

Page 9 –Council owns and/or manages other infrastructure such as sports clubhouses, **surf clubs**, environmental purpose buildings and emergency service buildings etc.

Page 35 – Tweed Heads West – under Key findings: Population demand for community hall and general community use space, limited land availability. Need for improved connectivity **and activation** of community spaces, **particularly improved access to public and active transport** to reduce social isolation and improve liveability in the community. **Improved place making opportunities in collaboration with community.**

Page 42 –South Coast – Pottsville – remove **State Government land at** – to read: land considerations at Dunloe Park and Seabreeze Pottsville, need to closely consider best practice models and CIF principles.

The Motion was **Carried**

FOR VOTE - Unanimous

RESUMPTION OF STANDING ORDERS

527

Cr K Milne
Cr R Cooper

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

6 [NOM-Cr J Owen] Bush Fires

528

Cr J Owen
Cr P Allsop

RESOLVED that given the recent impact to wildlife, properties, people and business due to the catastrophic bush fires in NSW, Council seeks a report on ecological and hazard reduction burns or other measures that Tweed can routinely undertake to reduce the risk of fire to Council managed land and the corresponding impacts to our internationally significant environment and species and that this be considered for inclusion in the Long Term Financial Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [NOM-Cr J Owen] Review of Limpinwood and Zara Roads

529

Cr J Owen
Cr W Polglase

RESOLVED that, given the recent motorcycle fatalities on our rural roads and the increase in recreational motorcycle riding, Council officers bring forward a report on where these crashes are occurring, what action has been taken to date and what action is proposed to improve the safety of motorcyclists and all other road users in Tweed.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [NOM-Cr K Milne] Fireworks and Animals

530

**Cr K Milne
Cr R Cooper**

RESOLVED that Council,

1. Notes the extreme fire threat currently occurring and predicted to be still in place at New Year's Eve and refrains from holding Council's 9pm fireworks event at Jack Evans Boatharbour this year.
2. Notes that Seagulls Club, Twin Towns Club as well as several other local government areas including the City of Gold Coast, Sydney City and Brisbane City have cancelled their fireworks events for New Year's Eve 2019/2020.
3. Notes fireworks have a significant potential to cause short and long term stress, disturbance and even death to both domestic and farm animals and to native wildlife.
4. Calls for Expressions of Interest for a range of musicians and entertainers as an alternative for New Year's Eve celebrations for Jack Evans Boatharbour within the current fireworks budget.

***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 7.15pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.58pm

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

9 [GM-CM] Annual Code of Conduct Report - 1 September 2018 to 31 August 2019

This item was dealt with earlier in the meeting at Minute No 507.

10 [GM-CM] Industry Central Land Swap - Endorsement of Preferred Applicants as Successful Applicants

This item was dealt with earlier in the meeting at Minute No 525.

11 [SCE-CM] Crown Reserves Improvement Fund Grant

This item was dealt with earlier in the meeting at Minute No 508.

12 [SCE-CM] Exhibition of Draft Community Development Strategy

This item was dealt with earlier in the meeting at Minute No 509.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

Nil.

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

13 [SCE-CM] Community Facilities Plan 2019 - 2036

531

**Cr K Milne
Cr W Polglase**

RESOLVED that Council:

1. Notes the submissions received and changes made to the Community Facilities Plan.
 2. Adopts the Community Facilities Plan 2019/2036.
 3. Notes that a report on the findings of a review of Section 7.11 Contribution Plans pertaining to community facilities and libraries will follow this work.
-

4. Council gives particular consideration to areas of high disadvantage such as Tweed Heads West.
5. The following **bold** amendments be made to the Community Facilities Plan:

Page 9 –Council owns and/or manages other infrastructure such as sports clubhouses, **surf clubs**, environmental purpose buildings and emergency service buildings etc.

Page 35 – Tweed Heads West – under Key findings: Population demand for community hall and general community use space, limited land availability. Need for improved connectivity **and activation** of community spaces, **particularly improved access to public and active transport** to reduce social isolation and improve liveability in the community. **Improved place making opportunities in collaboration with community.**

Page 42 –South Coast – Pottsville – remove **State Government land at** – to read: land considerations at Dunloe Park and Seabreeze Pottsville, need to closely consider best practice models and CIF principles.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [SCE-CM] Requests to Sell Long Term Casual Caravans On-site at Tweed Heads (Boyd's Bay), Hastings Point and Pottsville North Holiday Parks

DECLARATION OF INTEREST

Cr C Cherry declared a non-significant, non-pecuniary interest in Item 14. The nature of this interest is that Cr Cherry's family owns a holiday park in Shire. Cr Cherry will vacate the Chambers during discussion and voting.

Cr C Cherry temporarily left the meeting at 08:01 PM.

532

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council approves the issuing of correspondence to 70 Long term Casual (Holiday Van) owners at Tweed Heads (Boyd's Bay), Hastings Point and Pottsville North Holiday Parks advising that, effective immediately, requests to sell their long term casual caravans on-site would no longer be approved.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Cherry

Cr C Cherry has returned from temporary absence at 08:04 PM

15 [SCE-CM] Kingscliff Triathlon Partnership Agreement

533

Cr W Polglase
Cr J Owen

RESOLVED that Council does not approve the termination of the Kingscliff Triathlon Multi-Fun Weekend Partnership Agreement with NX Sports and continues with Period 3 of the Agreement until 30 June 2022.

534

Cr K Milne
Cr R Cooper

PROPOSED Council:

1. Council approves the termination of the Kingscliff Triathlon Multi-Fun Weekend Partnership Agreement with NX Sports at the expiration of Period 2 of the Agreement.
2. Writes to NX Sports to suggest that they apply for events sponsorship funding

Amendment 1 was **Lost**

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

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

REPORTS FROM THE DIRECTOR ENGINEERING

16 [E-CM] Adoption of Development Control Plan Section A3 - Development of Flood Liable Land - Version 1.5

This item was dealt with earlier in the meeting at Minute No 510.

17 [E-CM] Adoption of the South Murwillumbah Floodplain Risk Management Study and Plan

This item was dealt with earlier in the meeting at Minute No 511.

18 [E-CM] Road Closure Application - Corner Everests Road and Tyalgum Road, Eungella

535

**Cr P Allsop
Cr W Polglase**

RESOLVED that

1. Council advertises the proposed partial road closure of road reserve, adjacent to Lot 1 DP 416737 at the corner of Everests Road and Tyalgum Road, Eungella, for 28 days in accordance with section 38B of the Roads Act.
2. Should no objections be received Council approves the closure and purchase of sections of road reserve adjacent to Lot 1 DP 416737 at the corner of Everests Road and Tyalgum Road, Eungella.
3. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer.
4. The title of the closed road is consolidated with the adjacent land.
5. Easements be created over public authority reticulation services, if any.
6. Council authorises the Mayor and the General Manager have the documents executed under the common seal of Council.
7. If objections are received a report will be brought back for further Council consideration.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [E-CM] RFO2019036 Provision of Ground Maintenance Services at Water & Wastewater Facilities

This item was dealt with earlier in the meeting at Minute No 512.

20 [E-CM] RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies

536

**Cr K Milne
Cr P Allsop**

RESOLVED that this report be deferred to the Council Meeting of 5 December 2019 to seek legal advice.

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***

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

Nil.

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

21 [FRIT-CM] 2018/2019 Annual Report

537

**Cr C Cherry
Cr P Allsop**

RESOLVED that Council:

1. Adopts the Annual Report 2018/2019 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability; and
2. Attaches the Audited Financial Statements 2018/2019 to the Annual Report following their completion.

The Motion was **Carried**

FOR VOTE - Unanimous

The Mayor also extended thanks to the Executive Manager Finance, Revenue and Information Technology and his team for the production of this year's Annual Report.

22 [FRIT-CM] Draft 2018/2019 Financial Statements

This item was dealt with earlier in the meeting at Minute No 513.

23 [FRIT-CM] Quarterly Budget Review - September 2019

This item was dealt with earlier in the meeting at Minute No 514.

24 [FRIT-CM] Corporate Quarterly Performance Report - 1 July to 30 September 2019

This item was dealt with earlier in the meeting at Minute No 515.

25 [FRIT-CM] Monthly Investment Report for Period Ending 31 October 2019

This item was dealt with earlier in the meeting at Minute No 516.

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

26 [PCG-CM] Audit, Risk and Improvement Committee Report for the Year Ended 30 June 2019

This item was dealt with earlier in the meeting at Minute No 517.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

27 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 17 September 2019

This item was dealt with earlier in the meeting at Minute No 519.

28 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 14 October 2019

This item was dealt with earlier in the meeting at Minute No 519.

29 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 16 October 2019

This item was dealt with earlier in the meeting at Minute No 521.

30 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 24 October 2019

This item was dealt with earlier in the meeting at Minute No 521.

31 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held via Email 5 and 6 November 2019

This item was dealt with earlier in the meeting at Minute No 522.

32 LATE [PR-CM] Community Engagement and Participation Plan

This item was dealt with earlier in the meeting at Minute No 505

ADDENDUM ITEMS

Nil.

LATE ITEM

33 LATE [MM-CM] Tweed Valley Wildlife Carers - Donation

538

**Cr K Milne
Cr R Byrnes**

RESOLVED that Late Item 33 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 P Allsop

AGAINST VOTE - Nil

PRESENT. DID NOT VOTE - Cr J Owen, Cr W Polglase

539

Cr K Milne

RESOLVED that due to the dire and urgent situation for our wildlife under the drought and fire conditions, that have stretched the Tweed Valley Wildlife Carers beyond their current capabilities and financial capacity, Council provides a one-off donation of \$2,000 to assist them at this time.

The Motion was **Carried**

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

AGAINST VOTE - Nil

PRESENT. DID NOT VOTE - Cr J Owen, Cr W Polglase

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

540

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:-

MAYORAL MINUTE IN COMMITTEE

C1 [MM-CM] General Manager Annual Review for 2018/19 and determination of the General Managers Performance Agreement for 2019/20

REASON FOR CONFIDENTIALITY:

This report details the outcomes of the 2018/19 annual review of the General Manager's Performance Agreement under his Contract of Employment.

It also contains details of the General Managers 2019/20 Performance Agreement for formal confirmation by Council.

In accordance with the terms of the Guidelines for the Appointment and Oversight of General Manager's issued by the Office of Local Government, it is to be considered in a Confidential Meeting.

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: -

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

C 112

That:

- 1 The report from the Performance Review Panel, which comprises the Mayor and all Councillors, on the outcomes of the annual review of the General Manager's 2018/19 performance against his Performance Agreement be received and noted.
- 2 Council supports the General Manager attending a Leadership Development Course to further enhance his Leadership competencies, and should such involve overseas travel then such is endorsed subject to confirmation by the Mayor.
- 3 In acknowledgement of the high level of performance as evidenced in the Performance Review outcomes and consistent with Clause 8.3 of the General Manager's Contract of Employment, the General Manager's Total Remuneration Package be increased by 2% effective from the date of this meeting.
- 4 The General Manager's 2019/20 Performance Agreement be endorsed.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C2 [GM-CM] Compulsory Acquisition of Council Land at Pottsville for the Exchange of Land for a Koala Holding Facility

REASON FOR CONFIDENTIALITY:

This report relates to the negotiated outcomes between the parties, and set out in a Memorandum of Understanding that states that the contents must 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:

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

C 113

That Council:

1. Approves the acquisition of Lots 1, 3 and 5 of DP 1255758 by compulsory acquisition by the Minister administering the *National Parks and Wildlife Act 1974*.
2. Accepts the transfer of Lots 2, 4 and 6 in DP 1255758 as compensation for the acquisition of Council owned land.
3. Executes all necessary documentation for the acquisition and transfer of land under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

C3 [GM-CM] Acquisition of Land

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 114

That Council:

1. Rescinds the resolution at Minute No. C94 of Council Meeting 5 September 2019;
 2. Approves the recommendations contained within this report and in relation to Part 3 authorises a variation up to 3.7%.
-

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT IN COMMITTEE

C4 [SCE-CM] Renaming of Chillingham Sports Fields

REASON FOR CONFIDENTIALITY:

To prevent potential impact on individuals or their family subject to a submission for park naming should Council resolve not to support the submission.

Local Government Act

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

(e) information that would, if disclosed, prejudice the maintenance of law

C 115

**Cr K Milne
Cr C Cherry**

That Council calls for comment regarding the renaming of the Chillingham Sports Field, 'Claire Masters Recreation Reserve' in accordance with Council's Naming of Council Public Parks and Sportsfields Policy.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C5 [E-CM] Clarrie Hall Dam - Land Acquisition - 91 Rockface Road, Doon Doon

REASON FOR CONFIDENTIALITY:

This report discusses commercial negotiations and private financial arrangements, which should not be disclosed to the public in order to protect the privacy of the affected individual.

Local Government Act

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

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

C 116

That Council:

1. Approves entering into a contract for the purchase of an area of 31.01 hectares from Lot 10 in DP 1139798 being 91 Rockface Road, Doon Doon for the amount agreed and determined by valuation.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

C6 [E-CM] Proposed Water Supply Links to City of Gold Coast and Seqwater

REASON FOR CONFIDENTIALITY:

There is confidential information in this report relating to the pricing of water, which would be at a disadvantage to Council if it was disclosed.

Local Government Act

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

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

C 117

Cr C Cherry
Cr P Allsop

That Council:

1. Progresses with the detailed design and environmental assessment of the Mini-Link, being the upgrade of the water supply pipeline link in Tweed Heads/ Coolangatta between Tweed Shire Council and Gold Coast City Council.
-

2. Continues negotiations with City of Gold Coast in respect to the Mini-Link.
3. Investigates further more affordable options for the Maxi-Link, being the interconnection at the water supply between Tweed Shire Council and Seqwater.

Cr W Polglase temporarily left the meeting at 09:28 PM.

Cr W Polglase has returned from temporary absence at 09:29 PM

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEMS IN COMMITTEE

- C7 LATE [PR-CM] Development Application S96/0066.22 for an Amendment to Development Consent S96/0066 for a 101 Lot Residential Subdivision and Open Space Comprising Stages 14, 16, 17 and 18 of Terranora Village Estate at Lot 469 DP 1144944 Henry Lawson Drive**

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: -

- (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 118

That Confidential Item C7 being a Late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

C 119

That:

- A. Modification Application S96/0066.22 for an amendment to Development Consent S96/0066 for a 101 lot residential subdivision and open space comprising stages 14, 16, 17 and 18 of Terranora Village Estate at Lot 469 DP 1144944; Henry Lawson Drive Terranora be refused for the following reasons:

1. Pursuant to the NSW EP&A Act s4.55 (1A) (a) the application has not satisfied that the proposed modification is of minimal environmental impact as the necessary ecological investigations have not been provided.
 2. Pursuant to the NSW EP&A Act s4.55 (1A) (b) the application has not satisfied that the modification proposal is substantially the same development as that for which the consent was originally granted.
 3. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied Tweed LEP 2014 in regard to the requirements of Clause 1.2 Aims of the Plan.
 4. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied Tweed LEP 2014 in regard to the requirements of Clause 7.2 Earthworks
 5. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied Tweed LEP 2014 in regard to the requirements of Clause 7.10 Essential Services pertaining to the provision of suitable road access to the development.
 6. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied State Environmental Planning Policy No. 55 – Remediation of Land in regard to the requirements of Clause 7 relating to the contamination of land.
 7. Pursuant to the NSW EP&A Act s4.15 (1) (a) (iii) the application has not satisfied the requirements of Development Control Plan (DCP) Section A5 – Subdivision Manual with respect to landforming, movement network and lot layout.
 8. Pursuant to the NSW EP&A Act s4.15 (1) (a) (iii) the application has not satisfied the requirements of Development Control Plan (DCP) Section B1 – Terranora with respect to provision of Public Open Space.
 9. Pursuant to the NSW EP&A Act s4.15 (1) (b) because it has not been demonstrated that the approval of the proposed modification would not have an unacceptable adverse ecological impact.
 10. Pursuant to the NSW EP&A Act s4.15 (1) (c) because the submitted application has not demonstrated the suitability of the site for development where proposed to be dedicated as public reserve or for additional residential allotments.
 11. Pursuant to the NSW EP&A Act s4.15 (1) (e) because the range and extent of issues identified the approval of the modification application is not in the public interest.
- B. Council, in relation to the Class 1 Appeal for the refused modification application S96/0066.22 for a 101 lot residential subdivision and open space comprising stages 14, 16, 17 and 18 of Terranora Village Estate at Lot 469 DP 1144944; Henry Lawson Drive Terranora determines to defend the Class 1 Appeal, engage any necessary experts and provide delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager and Mayor to undertake negotiations as necessary.

The Motion was **Carried**

FOR VOTE - Unanimous

541

**Cr K Milne
Cr P Allsop**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.33pm



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

Chairman