

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 February 2019

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
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 5.32pm.

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 Lindsay McGavin (Manager Development Assessment and Compliance for Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Maree Morgan (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 lead by Reverend Michael Boyd from the Tweed Heads Presbyterian Church:

"Gracious God,

Thank you for giving us such a beautiful valley in which to live and work, raise families and grow our community.

Thank you for the Councillors, General Manager and Staff who give their time and energy to lead and serve us. May their work be a joy. Enable them to look after people and places, and be able to chart a good course for the future.

We thank you for the people of the Bundjalung nation who have cared for this land for so long. Bless them in their leadership in our community. May those of us who are recent arrivals respect their contribution and work towards justice, equity and true reconciliation.

We pray for other local governments facing natural disasters, that you would grant them safety, wisdom and strength to be able to respond well to the challenges. Should we be affected by this weekend's weather, watch over us for our safety and enable an effective response.

May our community be marked by compassion and care grace and a growing spirit of cooperation. Help us to honour and support all who have leadership roles in our shire.

Bless Council in the conduct of this meeting tonight and the outworking of its decisions into the future.

We pray this in the name of Jesus, Amen"

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held 12 December 2018

14

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 12 December 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Ordinary and Confidential Council Meeting held Friday 21 December 2018

15

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Friday 21 December 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [CONMIN-EXT] Confirmation of Minutes of the Ordinary and Confidential Extraordinary Council Meeting held Thursday 17 January 2019

16

Cr C Cherry
Cr R Cooper

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Extraordinary Council Meetings held Thursday 17 January 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

4 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 7 February 2019

17

Cr C Cherry
Cr R Cooper

RESOLVED that:

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

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

5 [SOR-CM] Schedule of Outstanding Resolutions at 21 February 2019

The report on the Schedule of Outstanding Resolutions at 21 February 2019 was received and noted.

It was noted by Cr C Cherry that item {CNR-CM} Jack Evans Boat Harbour Plan of Management Update has a workshop rescheduled to be held on 6 March 2019.

MAYORAL MINUTE

6 [MM-CM] Mayoral Minute for December 2018 and January 2019

18

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the months of December 2018 and January 2019 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised as follows.

Cr K Milne and **Cr C Cherry** (subject to ticket availability) to attend the Planning Institute of Australia Congress at the Gold Coast Convention Centre, Broadbeach on 15-17 May 2019

Cr C Cherry and **Cr K Milne** to attend the Australian Local Government Association National General Assembly at the National Convention Centre, Canberra on 16-19 June 2019

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

7 [ROP-CM] Receipt of Petitions at 21 February 2019

19

Cr K Milne
Cr C Cherry

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

- Petition received on 21 December 2018 from the Twin Towns Radio Yacht Club Inc. containing 48 signatories advising as follows:

"Twin Towns Radio Yacht Club Inc. (TTRYC) and Tweed Valley Wildlife Carers (TVWC) are currently investigating the possibility of constructing a storage facility to be used for storage of both TVWC and TTRYC rescue boat and equipment.

It is proposed that the rescue boat storage facility be located on the attached site survey map within Hec Beswick Park, Banora Point. Being Lot 117 DP 874201 so as to provide easy access to the pontoon on Lake Kimberley.

This facility would provide much needed central storage space for TVWC as equipment is currently stored at many locations around the Tweed Shire.

TTRYC would also benefit as the rescue boat and equipment is currently stored on a temporary arrangement at a private residence on the opposite side of the roadway from Lake Kimberley. Boat and trailer and equipment used by the TTRYC members currently has to cross busy Winders Place roadway each Monday to access Lake Kimberley. A storage facility in Hec Beswick Park would help alleviate a safety concern.

The proposed storage shed would be approximately 5.0m x 4.0m and constructed of brick walls and concrete floor, metal roof and a single roller door.

Consideration would be taken to positioning on site with relation to Council Utilities-Working in Proximity Policy. With regard to any underground services lines and easements.

Consideration would also be taken to positioning the shed among shrubs and low trees and sited near the rear boundary line of the park so as to have minimal visual impact to neighbours.

The erection of a permanent storage facility closer to the lake well enable access for lake rescues to be quicker and easier.

No trees or vegetation would need to be removed during construction."

- Petition received on 30 January 2019 from the Care2 containing 61 signatories advising as follows:

"We the undersigned residents, do not want a cell tower emitting microwaves 24/7 near our homes and schools. We respect Tweed Shire councillors to rescind their approval of the above on 25th October, 2018 and reject this facility for the following reasons:

- 1. Based upon historical trends the tower will adversely affect the value and saleability of nearby properties.*
- 2. Significant loss of scenic amenity.*
- 3. ARPANSA standards are outdated, incomplete and based on thermal, not non-thermal effects. It ignores official bodies worldwide.*
- 4. Over 6,000 independent studies show harmful effects of RFR including cancer and neurological disease.*
- 5. The Australian Bureau of Statistics shows brain tumours as the #1 disease killing children and most common cancer in adults <40y.*
- 6. Worldwide cancer clusters are occurring near phone towers. It is not a perception that towers threaten health - it is a scientific fact.*
- 7. We demand protection for our children and the elderly who are more vulnerable. Please implement the Precautionary Principle.*
- 8. Be aware that in the event of a lawsuit individual decision makers supporting this tower will be personally liable."*

- Petitions received on 5 and 6 February 2019 from 'STOP BYANGUM Road TOWER of Death - Community Health Petition' containing 125 signatories combined advising as follows:

" 'We the People' Say NO to anymore NB or any Telco Companies Erecting Wireless, WiFi & Cell phone Towers.

MAKE MURWILLUMBAH FREE from WiFi Especially 5G & Protect ALL Life.

NBN Co has put out PROPAGANDA; Lying to the Public. There are NO Safe levels of WiFi - Wireless Microwaves.

NBN is Wireless 2.3-4 Gigahertz = Radio Frequency MICROWAVES.24/7 all EMR has an Accumulative effect on our Health.

Eldron Byrd; Scientist for Naval Surface Weapon Centre back in 1986 lecture on the effects of low level microwaves (such as NBN Wireless) stated "... we can alter the Behaviour of cells, tissue ... cause up to six times higher foetus mortality & birth defects.

NBN Towers "DEPOPULATION & Mind Control Devices" UHG=NBN Wireless causes CANCER & other health issues. Brain cancer is the largest killer of Australian children. DESTROYS the DNA causing STERILITY of whole Family lineage destroyed in 3 Generations and IMPACT can already be seen 60% decrease in Male fertility.

Councillors, Australian Government, NBN Co & private land owners being paid to have these Towers erected should ALL be charged with TREASON. Wilful ignorance, Dereliction of Duty of Care to the Community & Nature. A class action law suit pending. Universal Law DO NO HARM. Microwaves are an ASSAULT.

We just need to UPGRADE our Copper wire phone lines for ADSL & Fibre OPTICS where possible.

*MOST OF Europe has banned Wireless/WiFi in Schools & other Public areas where children & pregnant Mothers frequent.
NO BEES, NO FOOD, NO FUTURE. Be the Change we NEED in this World.
KNOWLEDGE is POWER. Educate Yourself, Family & Friends"*

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

8 [NOM-Cr K Milne] Fix Pension Poverty

20

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Supports the Benevolent Society's Fix Pension Poverty Campaign.
2. Requests the local Federal Members raise this matter at Parliament.
3. Requests the Federal Government support the objectives of the Fix Pension Poverty campaign.

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

9 [GM-CM] Murwillumbah Airfield - New Landing Fees

21

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council:

1. Includes two new fees, Airfield Landing Fee of \$12 (ex GST) / hour and an Annual Airfield Access Fee of \$350 (ex GST) / annum, in the 2019/20 Fees and Charges.
2. An exemption from the fee be provided to aircraft owned by lessees or sub-lessees, users who pay an alternative off site Airfield Access Fee and any emergency services aircraft.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [GM-CM] Commercial Use of Murwillumbah Airfield - Sky Diving Operations

ALTERNATE MOTION

22

**Cr W Polglase
Cr P Allsop**

PROPOSED that Council grants Learn to Skydive the right to use the Murwillumbah Airfield as a turnaround point to load skydivers.

AMENDMENT 1

23

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. This item be deferred to obtain a clear written response from Learn to Skydive that addresses the concerns raised in the report submitted to the 21 February 2019 meeting.
2. Council forwards the response from Learn to Skydive and any submissions received in relation to the air safety of the parachute drop zone located at the Murwillumbah Racecourse to Air Services Australia for comment.
3. A further report be prepared for a future Council meeting.

Amendment 1 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***

Amendment 1 on becoming the Motion was **Carried** - (Minute No 23 refers)

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

PROCEDURAL MOTIONS

24

Cr K Milne
Cr R Cooper

RESOLVED that Items 11 to 45, with the exception of Item(s) 13, 14, 15, 21, 26, 32 and 43, be considered 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

25

Cr K Milne
Cr R Byrnes

RESOLVED that Items 11 to 45, with the exception of Item(s) 13 14, 15, 21, 26, 32 and 43, 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

PROCEDURAL MOTION

26

Cr K Milne
Cr R Byrnes

RESOLVED that Item 13 of the Agenda be held over for determination until after the dinner adjournment.

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

11 [GM-CM] The Tweed Tourism Co. - Quarterly Report - October to December 2018

27

Cr K Milne
Cr R Byrnes

RESOLVED that:

1. Council receives and notes The Tweed Tourism Company's quarterly report for the October to December 2018 quarter.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

12 [GM-CM] Tweed Kenya Mentoring Program

28

Cr K Milne
Cr R Byrnes

RESOLVED that Council notes this report and continues funding the Tweed Kenya Mentoring Program at a rate equivalent to \$1.25:\$1.00 that is raised by voluntary staff contributions.

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

13. [GM-CM] Land Availability for Tiny Homes

This item was dealt with later in the meeting (Minute No 63 refers).

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

14 [PR-CM] Development Application DA18/0133 for a 72 Lot Subdivision (Seabreeze Estate Stages 18A and 18B) at Lot 1747 DP 1215252 Seabreeze Boulevard, Pottsville

29

**Cr K Milne
Cr C Cherry**

RESOLVED that applicant be advised in writing that the Review of Determination has been undertaken and Council confirms the refusal of Development Application DA18/0133 for a 71 lot subdivision (Seabreeze Estate Stages 18A and 18B) at Lot 1747 DP 1215252 Seabreeze Boulevard, Pottsville for the following reasons:

1. Pursuant to Section 4.15(1)(a)(iii) the proposal is not consistent with Section B15 of Council's Development Control Plan, which identifies the site as a potential school site;
2. Pursuant to Section 4.15(1)(a)(iii) the proposal is not consistent with Section B21 of Council's Development Control Plan, which identifies the site as a potential school site;
3. Pursuant to Section 4.15(1)(e) the proposal is considered not to be in the public interest.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Illegal Dumping Strategy 2019-2021

30

**Cr C Cherry
Cr P Allsop**

RESOLVED that:

1. Council endorses the public exhibition of the attached Draft Illegal Dumping Strategy 2019-2021 be placed on public exhibition for a period of 28 days, and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993; and
2. A further report be brought back to Council following the public exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [PR-CM] Development Application DA18/1044 for a water bottling facility at Lot 1 DP 735658; No. 477 Urliup Road, Bilambil

31

Cr K Milne
Cr R Byrnes

RESOLVED that:

A: Development Application DA18/1044 for a water bottling facility at Lot 1 DP 735658; No. 477 Urliup Road BILAMBIL be refused by Council for the following reasons:

1. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied Tweed LEP 2014 in regard to Clause 1.2 Aims of the Plan as the proposed development will have an unacceptable impact on the unstructured form and safety of Urliup Road and on the amenity and scenic quality of Urliup Road and in that regard is inconsistent with the aims of TLEP 2014. Further, inadequate information has been submitted to demonstrate that the proposed development is consistent with the aims of TLEP 2014.
2. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied Tweed LEP in regard to Clause 2.3 RU2 Zone objectives because the development is inconsistent with the character of the surrounding locality, and with the objectives of the RU2 Zone.
3. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) it has not been demonstrated that suitable vehicular access exists between the Bilambil Village and the subject site to accommodate 7.3 metre long trucks, as required by clause 7.10(e) of TLEP 2014.
4. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied Tweed LEP in regard to Clause 7.15 Water Bottling Facility because the consent authority would not be satisfied that the proposed development will not have an adverse impact on natural water systems or the potential agricultural use of the land, as required by clause 7.15 of TLEP 2014.
5. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) because insufficient information has been submitted to enable a proper assessment of surface and groundwater system related impacts.
6. Pursuant to the NSW EP&A Act s4.15 (1) (a) (i) the application has not satisfied SEPP Rural Lands and the Rural Planning Principles. Inadequate information has been submitted to demonstrate that the proposal will result in a development that is consistent with the aims of the SEPP Rural Lands and Rural Planning Principles.
7. Pursuant to the NSW EP&A Act s4.15 (1) (b) because approval of the proposed development is likely to have an unacceptable short and long-term impact on the integrity and design life of Urliup Road.

8. Pursuant to the NSW EP&A Act s4.15 (1) (b) because approval of the proposed development is likely to have an unacceptable short and long-term impact on the integrity and design life of Urliup Road.
 9. Pursuant to the NSW EP&A Act s4.15 (1) (b) because it has not been demonstrated that the approval of the proposed development would not have an unacceptable adverse effect on the safety, efficiency and ongoing operation of Urliup Road.
 10. Pursuant to the NSW EP&A Act s4.15 (1) (c) because it has not been demonstrated that the approval of the proposed development would not have an unacceptable adverse effect on flora or fauna. An increase in noise from vehicle movements and subsequent disruption to fauna behaviour (as a result of increased frequency in vehicle movements) should be assessed by the applicant in an ecological assessment report.
 11. Pursuant to the NSW EP&A Act s4.15 (1) (d) and (e) the development application should be refused because approval of the proposed development would have an unacceptable impact on the amenity of residents in the locality and users of Urliup Road. Having regard to the impact on amenity, the number and nature of submissions received, and the issues raised above, approval of the development application is not in the public interest.
- B. Council, in relation to the Class 1 Appeal for the refused application Development Application DA18/1044 for a water bottling facility and use of existing structures for the purposes of commercial water extraction at Lot 1 DP 735658; No. 477 Urliup Road, Bilambil determines to defend the Class 1 Appeal, engage the 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 - 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 COMMUNITY AND NATURAL RESOURCES

17 [CNR-CM] Support for Farm 2 Plate Exchange

32

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council provides up to \$5,000 from the Sustainable Agriculture Program budget to support the Farm2Plate Exchange 2019 with:

- \$3,000 provided to Regionality to assist with event organisation,
- \$2,000 to support attendance by Tweed's farmers and food producers.

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

18 [CNR-CM] NSW National Youth Week 2019

33

Cr K Milne
Cr R Byrnes

RESOLVED that Council notes the planned activities for Tweed Shire for NSW National Youth Week 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

19 [CNR-CM] Park Naming - Nathan Bewes Park

34

Cr K Milne
Cr R Byrnes

RESOLVED that Council:

1. Names the park located on Queensland Road, Murwillumbah, adjoining the Mount Saint Patricks College grounds, '*Nathan Bewes Park*'.
2. Arranges for suitable signage to be erected at the location.

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 ENGINEERING

20 [E-CM] Monitoring, Investigation and Rehabilitation associated with Quarry Sites near Harrys Road, North Arm

35

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council endorses:

1. The Environmental Health Unit's proposed water quality monitoring strategy.
2. Further investigations and works for the remediation of Kinnears Quarry.

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***

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

ALTERNATE MOTION

36

**Cr K Milne
Cr C Cherry**

RESOLVED that this item be deferred to the 21 March 2019 Council meeting.

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

22 [E-CM] Variation of Restriction on Use - Lot 10 DP 1231670 - 23 Sea Eagle Court, Casuarina

37

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council:

1. Approves the Variation of Restriction on Use numbered 3 in DP 1231670 affecting Lot 10 in DP 1231670 by reducing the width of the restriction from 8 metres from the southern boundary of Lot 10 to a width of 6.72 metres from the southern boundary.
2. Executes all necessary documentation under the Common Seal of Council.

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 [E-CM] Application for Public Gate on Council Road Reserve - Uki

38

Cr K Milne
Cr R Byrnes

RESOLVED that Council advertises the proposal for a public gate across the road reserve adjoining Lot 103 in DP 1061154, Marshall Street, Uki, inviting written submissions for a period of 28 days from the date of the advertisement.

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 [E-CM] Hindmarsh Road, Kielvale - Acquisition of Land for Road Realignment

39

Cr K Milne
Cr R Byrnes

RESOLVED that:

1. Council approves the acquisition of Lots 1-3 in DP 1246513 for public road and the compensation payable being the transfer of the road closure parcel, Lot 3 DP 1246513 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor.
 2. Lots 1-2 in DP 1246513 be dedicated as road following gazettal of the acquisition.
 3. Lot 3 DP 1246513 be transferred to the owner of Lot 22 DP 860153.
 4. All necessary documentation be executed under the Common Seal of Council.
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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 [E-CM] Naming of Private Roads - Mount Burrell

40

Cr K Milne
Cr R Byrnes

RESOLVED that Council:

1. Publicises its intention to name the private roads within Lot 5 DP 262759 as "*Pademelon Lane*" and "*Bowerbird Glade*" allowing 28 days for submissions and/or objections to the names.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulations 2008.

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 EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

26 [FRIT-CM] Fossil Fuel Divestment

ALTERNATE MOTION

41

Cr K Milne
Cr C Cherry

RESOLVED that this item be deferred for consideration at the 21 March 2019 Council meeting.

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

27 [FRIT-CM] Quarterly Budget Review - December 2018

42

Cr K Milne
Cr R Byrnes

RESOLVED that the:

1. Quarterly Budget Review Statement as at 31 December 2018 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 2019.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	30,279	0
Materials & Contracts	4,680,579	0
Interest	0	0
Other Operating costs	0	0
Capital	1,891,379	0
Loan Repayments	0	0
Transfers to Reserves	35,776	0
	6,638,013	0
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	5,133,335
Capital Grants & Conts	0	62,000
User Charges & Fees	42,030	0
Other Operating Revenue	0	117,282
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	1,376,710
Asset Sales	0	0
	42,030	6,689,327
Net Surplus/(Deficit)		9,284
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	476,203	0
Interest	0	0
Other Operating costs	0	0
Capital	191,446	0
Loan Repayments	0	0
Transfers to Reserves	0	4,484,903

Description	Change to Vote	
	Deficit	Surplus
	667,649	4,484,903
<u>Income</u>	0	0
Rates and Annual Charges	60,133	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	3,901,608	0
User Charges & Fees	14,474	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	3,200	0
Transfers from Reserves	0	162,161
Asset Sales	0	0
	3,979,415	162,161
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	409,075
Interest	0	0
Other Operating costs	0	0
Capital	0	4,383,743
Loan Repayments	0	0
Transfers to Reserves	0	6,327,897
	0	11,120,715
<u>Income</u>		
Rates and Annual Charges	11,759	0
Interest revenue	85,757	0
Operating Grants & Conts	0	0
Capital Grants & Conts	8,056,594	0
User Charges & Fees	0	12,138
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	1,240,257
Transfers from Reserves	4,219,000	0
Asset Sales	0	0
	12,373,110	1,252,395
Net Surplus/(Deficit)		0

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 [FRIT-CM] Six Monthly Progress Report as at 31 December 2018

43

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council receives and notes the Six Monthly Progress Report as at 31 December, 2018.

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

44

**Cr K Milne
Cr R Byrnes**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 December 2018 totalling \$325,973,587 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 [FRIT-CM] Monthly Investment Report for period ending 31 January 2018

45

**Cr K Milne
Cr R Byrnes**

RESOLVED that, in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 January 2019 totalling \$324,212,492. 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 THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

31 [PCG-CM] Administration of Local Government Elections

46

Cr K Milne
Cr R Byrnes

RESOLVED that Council:

1. Pursuant to Section 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered by contract for the Electoral Commissioner to administer all elections of the Council, subject to the receipt and acceptance of a cost estimate from the NSW Electoral Commission.
2. Pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, that a council poll arrangement be entered by contract for the Electoral Commissioner to administer all council polls of the Council, subject to the receipt and acceptance of a cost estimate from the NSW Electoral Commission.
3. Pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, that a constitutional referendum arrangement be entered by contract for the Electoral Commissioner to administer all constitutional referenda of Council, subject to the receipt and acceptance of a cost estimate from the NSW Electoral Commission.

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

32 [PCG-CM] Australian Citizenship Ceremonies Code

ALTERNATE MOTION

47

Cr C Cherry
Cr K Milne

PROPOSED that:

1. Council provides feedback on the proposed Australian Citizenship Ceremonies Code to the Minister for Immigration Citizenship and Multicultural Affairs prior to 28 February 2019. The nature of the feedback being that it:
 - o Does not support councils being required, as a minimum, to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September);
 - o Does not support Federal members of Parliament, if attending a ceremony, being required to read the Minister's message at citizenship ceremonies;
 - o Does not support Councils setting a recommended standard of dress for citizenship ceremonies;
 - o Does not support ceremonies to be scheduled to avoid parliamentary sitting days;
 - o Supports the proposed guideline that "*Where a citizenship ceremony is scheduled on the same day as a local government council meeting, the citizenship ceremony may proceed but must be conducted with due ceremony and importance*";
 - o Specifies the nature of any other feedback to be provided.

AMENDMENT 1

48

**Cr J Owen
Cr P Allsop**

RESOLVED Council submits that it does not support councils being required, to hold a citizenship ceremony on Australian Citizenship Day (17 September).

Amendment 1 was **Carried**

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

AGAINST VOTE - Cr R Cooper

Amendment 1 on becoming the Motion was **Carried** - (Minute No 48 refers)

FOR VOTE - Unanimous

33 [PCG-CM] Legal Services Register Report for the Period 1 October to 31 December 2018

49

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council receives and notes the Legal Services Register Report for the period 1 October to 31 December 2018.

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***

34 [PCG-CM] Compliments and Complaints Analysis Report for the Period 1 October to 31 December 2018

50

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 October 2018 to 31 December 2018.

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***

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

35 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 15 August 2018

51

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 15 August 2018 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

36 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 21 November 2018

52

Cr K Milne
Cr R Byrnes

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 21 November 2018 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

37 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 8 October 2018

53

Cr K Milne
Cr R Byrnes

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 8 October 2018 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

38 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Committee Meeting held Wednesday 28 November 2018

54

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 28 November 2018 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***

39 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 December 2018

55

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 December 2018 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***

40 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 28 November 2018

56

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 28 November 2018 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

41 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Wednesday 5 December 2018

57

Cr K Milne
Cr R Byrnes

RESOLVED that the Minutes of the Community Halls Advisory Committee Meeting held Wednesday 5 December 2018 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

42 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 10 December 2018

58

Cr K Milne
Cr R Byrnes

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 10 December 2018 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

43 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 12 December 2018

ALTERNATE MOTION

59

Cr C Cherry
Cr K Milne

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 12 December 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A5. Old Boat Harbour Fingal Head - Commercial Water Craft Promotion Event

That Council:

1. *Writes to Roads and Maritime Services requesting feedback on their response to the reported incident at Old Fingal Boat Harbour and adjacent waters (complaint reference no. 00695440).*
2. *Requests a meeting with senior Roads and Maritime Services staff where options for future management of safety issues as was reported (reference no. 00695440) can be discussed.*
3. *Notes that the Tweed Coast and Waterways Committee has serious concerns with safety issues on the river and apparent frequent regular breaches of marine safety regulations in relation to wake enhanced vessels and personal watercraft and the resources available for enforcement of regulations.*
4. *Copies the Member for Tweed Geoff Provest and the Commodore of the Tweed Sailing Club into the letter and meeting invitation to Road and Maritime Services.*
5. *Installs a sign advising that no commercial or public events are to be arranged without a permit at Old Fingal Boat Harbour.*

The Motion was **Carried**

FOR VOTE - Unanimous

44 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 December 2018

60

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 December 2018 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

45 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 20 December 2018

61

Cr K Milne
Cr R Byrnes

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 20 December 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1. [LTC] Murwillumbah Cycle Club Events - 2019

That the proposed Murwillumbah Cycle Club Events - 2019 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the events by Cycling Queensland.*
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 for the Tyalgum Cup and Lundberg Drive races.*
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 commencement of the season and one week before the Tyalgum Cup and Lundberg Drive races. 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 events.*

11. *That the applicant organise for the events to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the events' details.*
12. *The submission and approval of a Community Event application/Major Event application for the Tyalgum Cup races and Lundberg Drive races 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 Tyalgum Cup races and Lundberg Drive races, showing compliance with the above conditions.*

A2. [LTC] Lakeview Parade and Hillcrest Avenue, Tweed Heads South

That:

1. *Prohibitive parking opposite number 1 Lakeview Parade, Tweed Heads South is not supported.*
2. *A short length of double centreline be installed on Lakeview Parade on the approach to the intersection with Hillcrest Avenue, Tweed Heads South.*

A3. [LTC] Nautilus and Oasis Way, Kingscliff

That:

1. *A short length of double centreline be installed on the curve on Nautilus Way at its connection with Oasis Way, Kingscliff.*
2. *The installation of prohibitive parking in Nautilus Way is not supported.*

A4. [LTC] Cylinders Drive, Kingscliff

That a short length of double centreline be installed in Cylinders Drive, Kingscliff covering the two curves at either end.

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

ADDENDUM ITEMS

Nil.

LATE ITEMS

Nil.

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.05 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.52pm

13 [GM-CM] Land Availability for Tiny Homes

ALTERNATE MOTION

62

Cr P Allsop
Cr J Owen

PROPOSED that Council receives and notes the email response of 17 December 2018 from the Member of Tweed and signifies its intent to re-engage with the Crown Land process as suggested by the Member of Tweed. In order to proceed with this option, Council will need to rescind the resolution of 17 May 2018, to not participate in the Crown Land Negotiation Program.

AMENDMENT 1

63

Cr K Milne
Cr R Byrnes

RESOLVED that:

- 1 Council expresses its extreme disappointment in the Local Member's response to Council's request and condemns his inaction on the homeless crisis facing Tweed.
- 2 Council was simply requesting a list of appropriate Crown Land parcels, so not to receive any information in the response after a year shows a concerning lack of attention to this crisis.
3. The recent State announcement of assistance for 50 Units in Boyd Street, Tweed Heads with only 30% dedicated to either social or affordable housing leaves only 15 units to assist over 400+ reported homeless, a drop in the ocean on the crisis that has developed over many years under his watch.

4. The level of social housing in the Tweed at only 2.8% of total dwellings compared to 4% for the NSW average is a sad indictment of the Local Member's lack of success in addressing the human crisis.

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 63 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

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

64

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

CONFIDENTIAL ITEMS FOR CONSIDERATION

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 THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Feature Film Proposal - Tweed Heads

REASON FOR CONFIDENTIALITY:

At the request of the Production Company.

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.

ALTERNATE MOTION

C 11

That Council:

1. Subject to conditions 2, 3, 4 and 5 below, approves the use of Lovers Park (NSW portion), Tweed Heads and authorises the General Manager to issue a Temporary Film Licence Agreement to Rosy Haze Productions Pty Ltd for a Paramount Pictures feature film.
2. Supports the proposed road closure of Coral Street, Tweed Heads as outlined in this report and subject to standard conditions of approval:
 - a) Local Traffic Committee and NSW Police approval being obtained.
 - b) Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
 - c) Stakeholder consultation, including a letterbox drop to directly affected residents.
 - d) Adequate public liability insurance being held by Production Company.
 - e) All signage erected for the filming activity to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the activity.
 - f) Consultation with emergency services and any identified issues addressed.
3. Notes Rosy Haze Production Pty Ltd's commitment to continue their direct consultation with stakeholders including but not limited to wedding parties, the traditional owners, surf clubs, environment groups and the public to minimise impacts to the affected parties identified within the report.
4. Requires that Rosy Haze Production Pty Ltd to provide evidence of a written agreement with each of the affected parties identified within the report.

5. The production company will need to further detail their proposal to determine if the activity may have any environmental or cultural impacts. Where any significant impacts are identified mitigation impacts will need to be arranged with the Location Manager.

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

C2 [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.

C 13

That this item be deferred pending further advice on the original conditions of consent in relation to the Section 94 contributions for DA08/1247.

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 C13 refers)

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

AGAINST VOTE - Cr W Polglase, Cr P Allsop

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Clarrie Hall Dam - Land Purchase - Part 2009 Kyogle Road, Terragon

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 individuals.

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 14

That Council:

1. Approves entering into a contract for the purchase of an area of 7,080m² from 2009 Kyogle Road, Terragon, comprised in Lot 28 DP 1126031 for the amount agreed and determined by valuation; and
2. Executes all necessary documentation under the Common Seal of Council.
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

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE IN COMMITTEE

C4 [PCG-CM] State Emergency Services Tweed Heads Unit - Accommodation Arrangements

REASON FOR CONFIDENTIALITY:

This report discusses proposed commercial negotiations and private financial arrangement, which should not be disclosed to the public to protect the privacy of the affected individuals.

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 15

That Council:

1. Approves:
 - (i) Entering into negotiations to purchase Lot 681 DP 41192 should there be the desire for the owner to do so, and
 - (ii) Obtain an independent property value for Lot 681 DP 41192, and
 - (iii) Conduct a site feasibility assessment, in consultation with NSW State Emergency Service, Fire and Rescue NSW and Tweed Unlimited Arts, to determine site capacity to accommodate future needs.
2. The making of an application, pursuant to section 3.22(5) of the *Crown Land Management Act 2016*, to the Minister for Lands and Forestry, for consent to classify and manage Lot 682 DP 41192 as operational land under the *Local Government Act 1993*.

The Motion was **Carried** (Minute No C15 refers)

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

LATE ITEMS IN COMMITTEE

C5 LATE [GM-CM] Letter to NSW Ombudsman re Tweed Valley Hospital

REASON FOR CONFIDENTIALITY:

This report contains information of a confidential legal nature.

Local Government Act

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

- (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 17

That Confidential Item C5 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 19

That Council:

1. Considers the two advices from Council's Barrister in relation to the Tweed Valley Hospital should be provided to the NSW Ombudsman. In providing these documents it should be noted that they contain material subject to client legal privilege, and that it is provided on a conditional basis, and for the limited purpose of assisting the Ombudsman's enquiries and investigations into the complaint. Council preserves privilege over those advices.
2. Also provides the supporting documentation in the form of the Confidential Council reports and resolutions from the Extraordinary Meetings held 21 December 2018 and 17 January 2019.

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 C19 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

65

**Cr K Milne
Cr C Cherry**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.47pm.



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

Chairman

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