

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Wednesday 17 April 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 Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, Cr Ron Cooper and Cr James Owen

Also present were Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Michael Chorlton, (Executive Manager Finance, Revenue and Information Technology), Mr Mathew Greenwood (Acting Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

ABORIGINAL STATEMENT

The Deputy Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Gavin Irvine, Kingdom Life Church.

"Our loving Father and Saviour Jesus Christ

We thank You for this amazing world You created for us and we thank You for the Tweed Region which is the best part of this amazing world. We thank You Lord for the natural beauty and the people that live in this area and call the Tweed Heads Region home.

As this Council meeting starts, we lift up and pray for the leaders of the Tweed Shire Council. The Scriptures say, "I urge, then, first of all, that petitions, prayers, intercession and thanksgiving be made for all people - for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness." Therefore, we lift the leaders of this region up to You Lord, not only today, but regularly. We pray for them to govern with Your wisdom and understanding so the Tweed region has peace and prospers. Lord, we ask for Your wisdom because we know that You are eager to give Your people wisdom.

The Scriptures also say to "seek the peace and prosperity of the city to which I have carried you into exile. Pray to the Lord for it, because if it prospers, you too will prosper." Whether we were born here or have come to make Tweed our home, we pray for the peace and prosperity of this great city Tweed Heads, because then we as families and individuals will also prosper. Father God, we ask as the city prospers, there will be more jobs, a greater sense of community, and less crime of all sorts.

To all the people here I pray a blessing over you:

May the Lord bless you and keep you

*May the Lord make his face shine on you and show you his favour
May the Lord lift up his face toward you and give you peace*

*In Jesus name
Amen."*

CONFIRMATION OF MINUTES

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

129

**Cr P Allsop
Cr J Owen**

RESOLVED that:

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

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase**

2 [CONMIN-CM] Confirmation of the Minutes of the Ordinary and Confidential Council Meeting held Thursday 4 April 2019

130

**Cr P Allsop
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 4 April 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
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

APOLOGIES

Attendee Cr K Milne has informed the General Manager that her absence is caused by work outside the Shire.

Attendee Cr W Polglase has informed the General Manager that his absence is caused by commitments outside the Shire.

131

Cr C Cherry
Cr R Byrnes

RESOLVED that the apologies of **Cr K Milne** and **Cr W Polglase** be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 17 April 2019

The Schedule of Outstanding Resolutions at 17 April 2019 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for March 2019

132

Cr C Cherry

RESOLVED that:

1. The Mayoral Minute for the month of March 2019 be received and noted.
2. The attendance of Cr Cooper at the Good Growth Housing Conference – Sydney on 15 April 2019 be ratified.
3. The attendance of Councillors at nominated Conferences be authorised.
4. The attendance of Cr Cooper at the Power to the People Conference - Canberra on 14-16 August 2019,

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions as at 17 April 2019

133

Cr R Cooper

Cr R Byrnes

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

- Petition received on 19 March 2019 from the residents of Bent Street, Murwillumbah containing 17 signatures and advising as follows:

"We the undersigned live on Bent Street.

We:

1. *were shocked by the recent illegal removal of the trees and other vegetation, including mature natives, at the bottom of our street, behind the Imperial Hotel.*
2. *want to see the native vegetation restored as part of the restabilisation of the area.*
3. *want to, as far as possible, have the green vegetation screen from Main Street restored."*

The Motion was **Carried**

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

ORDERS OF THE DAY

6 [NOM -Cr K Milne] Single Use Plastic

134

Cr C Cherry
Cr R Byrnes

RESOLVED that this item be deferred to the meeting on 16 May 2019.

The Motion was **Carried**

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

REPORTS THROUGH THE GENERAL MANAGER

SUSPENSION OF STANDING ORDERS

135

Cr C Cherry
Cr R Byrnes

RESOLVED that Standing Orders be suspended to deal with Item 8, 14, 17 and 18 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [PR-CM] Development Application DA18/0323 for Temporary Use of Land For Private Functions/Events at Lot 3 DP 814299; No. 142 Carool Road Bilambil; Lot 3 DP 877662; No. 144 Carool Road Bilambil

136

Cr P Allsop
Cr C Cherry

RESOLVED that Development Application DA18/0323 for a temporary use of land for private functions/events at Lot 3 DP 814299; No. 142 Carool Road Bilambil; Lot 3 DP 877662; No. 144 Carool Road Bilambil be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Planit Consulting and dated April 2018 and Plan Nos A101 - Sheet 2 (Site Location Plan) and A101 - sheet 3 (Temporary Land Use Area Plan) prepared by Planit Consulting and dated 15 January 2018, except where varied by the conditions of this consent.

[GEN0005]
2. Prior to commencement of use a drinking water quality assurance program prepared in accordance with the Private Water Supply Guidelines (NSW Health, 2015) and the Public Health Regulation 2012 shall be prepared and maintained on site and submitted to NSW Health for review. All activities shall comply with the adopted assurance program and the program shall be made available to Council's Authorised Officer upon request.

[GENNS01]
3. Prior to the commencement of use the applicant or business operator is to be registered in Council's Private Water Supply Register and pay the appropriate fee under Council's schedule of fees and charges.

[GENNS02]
4. The driveway access to the site from Carool Road is to be widened to Council's requirements subject to the submission and approval of an application under Section 138 Roads Act 1993 prior to the first use of the site.
5. An advisory sign (Turning Traffic w5-25) is to be installed as per AS1742 and maintained on Carool Road on the eastern approach to the site access subject to submission and approval of an application under Section 13 of the Roads Act 1993.

[GENNS03]
6. The temporary use of the site for a function centre is for a period of 36 months only from the date of the granting of this consent. The site is only to be used as a function centre for a maximum of 33 days in each 12 month period.
7. The maximum number of guest bookings is limited to 150 persons at any event.
8. Section 7.11 Contributions
Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

The use of the site shall not commence unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- (a) Tweed Road Contribution Plan:
2.7287 Trips @ \$3307 per Trips \$9,024
((\$2,928 base rate + \$379 indexation)
CP Plan No. 4
Sector12a_4

9. At the end of any consent issued for the proposed temporary use of land, the land will, as far as practicable, be restored to the condition in which it was before the commencement of the subject temporary use. However this does not include any upgrading of the access approved under a Section 138 application.

[GENNS04]

USE

10. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
- [USE0125]
11. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 10pm, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 10pm and 7am weekdays and 10pm and 8am weekends.
- [USE0165]
12. Hours of operation of the business are restricted to the following hours:
- * 10.00am to 10.00pm - Mondays to Sundays
 - * All events must finish by 9.30pm with all service providers and guests to be off the site by 10.00pm.
- [USE0185]
13. All deliveries to the premises are to occur only within the hours of 7.00am to 9.30pm Monday to Sundays, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.
- [USE0195]
14. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
- [USE0225]
15. The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays.
- [USE0285]
16. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for Proposed Private Function Facility, 142-144 Carool Road, Carool prepared by CRG Acoustics dated 7 December 2018 (crgref:

17171 report REV 1) and the Operational Management Plan for Temporary Function Centre 142-144 Carool Road, Bilambil prepared by Planit Consulting dated December 2018 (as updated to the satisfaction of Council's General Manager or delegate as required by the conditions of this consent).

[USE0305]

17. All activities shall be carried out in accordance with the requirements of Liquor and Gaming NSW and NSW Police.

[USE1085]

18. In the event that untreated or untested water is supplied to the temporary use area, a warning sign shall be displayed at all fixtures. Such signs shall state the source of raw water and method of treatment, if any.

[USE1475]

19. The use of fireworks, helicopters and/or other comparable activities known to cause disturbance to livestock and/or farming activities is prohibited.

[USENS01]

20. The preparation and sale of food shall comply with the Food Act 2003 and the NSW Food Authority's Guidelines for Mobile Food Vending Vehicles and Guidelines for Food Businesses at Temporary Events. All food business operators shall maintain current notification to Council and be subject to Council's inspection program with adopted applicable fees.

21. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[USENS02]

22. Residents at the following neighbouring properties will be notified a minimum of seven (7) days in advance of any event on the site: 182 Carool Road, 112 Carool Road, 140 Carool Road, 146 Uriup Road and 389 Cobaki Road.

23. A minimum of two (2) portable WC for females, and one (1) WC and one (1) urinal for males (or the equivalent number of unisex facilities) are to be installed in the temporary use area and made available for use by guests for the duration of an event. All portable toilets installed in the temporary use area shall be removed from the site within 24 hours of the event.

[USENS03]

24. Prior to the commencement of any use of the land for the purposes of a temporary function centre, the applicant is to submit an updated Operational Plan of Management for the written approval of the General Manager or his delegate.

The updated Operational Plan of Management shall include the following:

- (a) Details of a complaints handling and management system to be implemented;
- (b) Maintenance of a register of events, to be kept on the applicant's premises at all times and available for inspection by the Council recording the following information:
 - Identifying days used for events and days allocated to the preparation of or clean-up for all events;
 - Details of number of number of invited guests;
 - Confirmation as to whether a marquee or tent has been be erected for an

- event; and
 - Details of traffic generation associated with any event including recording the bus companies providing transport to and from the event.
- (c) Provision of the Plan to all staff responsible for holding or running events and certification that all such persons are aware of the requirements of the conditions of consent and the Operational Plan of Management;
- (d) The terms and conditions for the hire of the venue for events are to be updated to reflect any conditions of consent and to meet the recommendations of the Environmental Noise Impact Report (CRG Acoustic, December 2018) and Draft Operational Management Plan (Planit Consulting, December 2018);
- (e) Provide for the written notification of nearby residents prior to each event, including contact details for the appropriate management person who must be on-site and contactable during each event; and
- (f) A copy of this Development Consent.

[USENS04]

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

14 [CNR-CM] Pottsville and District Men's Shed - Licence Request

137

Cr P Allsop

Cr J Owen

RESOLVED that Council:

- a. Agrees to the extension of the licence for the Pottsville and District Men's Shed at the Black Rocks Sports Fields for an additional five year term with an option for a further five years.
- b. Includes the consideration of a request for an extension of the licence area in the development of a master plan for the Black Rocks Sports Field.
- c. Develops a master plan for the Black Rocks Sports Field.

The Motion was **Carried** - (Minute No 137 refers)

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

AGAINST VOTE - Cr C Cherry, Cr R Cooper

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

AMENDMENT 1

138

**Cr C Cherry
Cr R Cooper**

PROPOSED that Council writes to the Pottsville & District Men's Shed (P&DMS) and informs them that:

1. Council congratulates the P&DMS members on their successful first year of operation at Blackrocks Sportsfield and thanks them for their stewardship of the Sportsfield and their contribution to the Pottsville and wider community.
2. The Local Government Act does not permit the granting of an in perpetuity license for use of Council owned Sportsfields and that the license was limited to a 5 -year non-renewal term on the recommendation of the Office of the Environment and Heritage(OEH) and they will need to be consulted in any application for extension of tenure.
3. Offer a 2 year extension to the licences to give some security and allow any issues identified in the masterplan to be better addressed after its completion.
4. Due to the number of competing uses envisaged for future use of the Blackrock Sportsfield including the Pottsville Cricket Club, the Cabarita Cricket club, the Pottsville Croquet Club, the Pottsville AFL club and the P&DMS, Council will liaise with all users regarding their current and future use of the Blackrock Sportsfield and complete a Masterplan to ensure a strategic development of infrastructure at the Blackrock Sportsfield.
5. The Blackrock Sportsfield Masterplan to be consistent with the adopted Tweed Sportsfield Strategy and Blackrock Sportsfield Precinct Operational Plan and to be completed within 6 months of this resolution.
6. Council undertakes to consider the P&DMS expansion request as soon as practicable once the MasterPlan process is complete.

Amendment 1 was **Lost**

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

17 [E-CM] Owners Consent Request - Lot 1 DP 8825 and Chinderah Bay Drive Road Reserve, Chinderah

ALTERNATE MOTION

139

Cr C Cherry
Cr R Cooper

RESOLVED that Council withhold owner's consent for a Development Application for a dining blister on Chinderah Bay Drive, Chinderah, associated with an existing bakery/café use at Lot 1 DP 8825, No.162 Chinderah Bay Drive, Chinderah, and request further information from the applicant.

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

18 [E-CM] Dulguigan Road Heavy Vehicle Route Assessment

ALTERNATE MOTION

140

Cr C Cherry
Cr R Cooper

RESOLVED that the report be accepted and the recommendations to reduce risk associated with heavy vehicles accessing the Hy-Tec Quarry on Dulguigan Road be implemented. Until those recommended actions are completed to Council's satisfaction, no new applications for 19m B-doubles or PBS vehicles less than 20m operating at higher mass be approved.

The Motion was **Carried** - (Minute No. 140 refers)

FOR VOTE - Cr C Cherry, Cr R Cooper, Cr R Byrnes

AGAINST VOTE - Cr J Owen, Cr P Allsop

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

AMENDMENT 1

141

Cr P Allsop
Cr J Owen

PROPOSED that:

1. Council accepts RoadNet Pty Ltd's Heavy Vehicle Route Assessment report for Dulguigan Road, and implements its recommendations.
 2. New applications through the National Heavy Vehicle Regulator for 20m Performance Based Standards (PBS) vehicles and 19m B-Doubles at higher mass limits to operate on the route between Riverside Drive and the Hy-Tec Quarry on Terranora Road and
-

Dulguigan Road, continue to be received and assessed by the Roads and Stormwater Unit.

Amendment 1 was **Lost**

FOR VOTE - Cr J Owen, Cr P Allsop

AGAINST VOTE - Cr C Cherry, Cr R Cooper, Cr R Byrnes

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

RESUMPTION OF STANDING ORDERS

142

Cr C Cherry

Cr P Allsop

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE GENERAL MANAGER

7 **[GM-CM] The Tweed Tourism Company - Quarterly Report - January to March 2019**

143

Cr P Allsop

Cr R Byrnes

RESOLVED that Council:

1. Receives and notes The Tweed Tourism Company's quarterly report for the January to March 2019 quarter.
2. Endorses payment of the quarterly contract instalment in accordance with contract ED RFT 01-2017 Marketing, Promotion & Destination Management of Tourism Services contract.
3. ATTACHMENT 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 9 [PR-CM] Development Application D95/0193.02 for an Amendment to Development Consent D95/0193 for Continuing Use of Bartletts Quarry and the Expansion of the Landfill Site at Lot 1 DP 590220 & Lot 5 DP 221825 No. 298 Bartletts Road, Eviron

144

Cr P Allsop
Cr J Owen

RESOLVED that Modification Application D95/0193.02 for an amendment to Development Consent D95/0193 for continuing use of Bartletts Quarry and the expansion of the landfill site at Lot 1 DP 590220 & Lot 5 DP 221825 No. 298 Bartletts Road, Eviron be approved subject to the following amendments being made to Schedule B of the consent:

1. Delete Schedule B Condition 1 and replace it with Condition 1A which reads as follows to reflect the new plans:
 - 1A. The development is to be completed generally in accordance with the Environmental Impact Statement prepared by Ecotech International Pty Ltd dated February 1995 and the Plan(s) of Management, approved from time to time, except where varied by these conditions and supporting information approved under D95/0192.02 being:
 - i. Amended plans prepared by Tonkin Consulting Pty Ltd (dated July 2017);
 - ii. Impact Analysis and Habitat Compensation Area Plan (dated 22 March 2019 prepared by Tweed Shire Council) and;
2. Insert new Condition in Schedule B after Condition 3 which is numbered 3.1 which reads as follows to reflect the requirements for an updated Plan of management (LEMP):
 - 3.1 Within 90 days of the issue of S4.55 D95/0193.02 consent, an amended Plan of Management prepared in accordance with those matters prescribed in new Attachment 1 forming part of this consent shall be submitted to and approved by Council. The amendments may be made as an attachment and/or addendum of the Plan of Management. Where any conflict or inconsistency exists between the Plan of Management and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.
3. Insert new Condition in Schedule B after Condition 4 which is numbered 4.1 which reads as follows to reflect the requirements by the EPA:
 - 4.1 The following conditions are to be complied with for the purposes of the modifications approved under D95/0193.02:

- a. No food waste or garden waste collected from domestic or commercial green bin collection service will be disposed in landfill Cell B.
 - b. Prior to the construction of any new waste cell, a leachate collection, storage and disposal system must be designed in accordance with the Environmental Protection Authority's Environmental Guidelines Solid Waste Landfills (2nd edition, 2016) and approved by the Environmental Protection Authority.
 - c. Any waste cells constructed at the facility must be designed in accordance with the Environmental Protection Authority's Environmental Guidelines Solid Waste Landfills (2nd edition, 2016) and approved by the Environmental Protection Authority in writing prior to construction.
 - d. Prior to the commencement of work associated with the amendments under D95/0193.02, the applicant shall submit a licence variation application to Environmental Protection Authority that includes detailed designs of the proposed cell construction. The designs shall be approved by the Environmental Protection Authority prior to the issue of the variation to the environmental protection licence to allow for the construction and use of the new cell.
 - e. All operations shall be in accordance with the Environmental Protection Authority's Environmental Guidelines Solid Waste Landfills (2nd edition, 2016) or to the satisfaction of the Environmental Protection Authority.
4. Insert new Condition in Schedule B after Condition 11 which is numbered 11.1 which reads as follows to reflect the requirements for a restrictive statutory covenant for conservation purposes:
- 11.1 Within 90 days of the issue of Section 4.55 consent for D95/0193.02 a restrictive statutory covenant for conservation purposes in respect of the entire area described as 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' shown on the plan Impact Analysis and Habitat Compensation Area Plan dated 22 March 2019 prepared by Tweed Shire Council shall be created under s. 88B of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below:
- a. The area described as 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' must be subject to a habitat restoration program undertaken in accordance with an approved Plan of Management and managed as a natural area for conservation purposes in perpetuity
 - b. The following activities are not permitted within the 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' area
 - i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent;
 - ii. Erection of any fixtures or improvements, including buildings or structures;

- iii. Construction of any trails or paths unless otherwise approved by the NSW Rural Fire Service (or equivalent state agency) and Council;
- iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
- v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the protected area; and
- vi. Performance of any other acts which may have detrimental impact on the values of the protected area.

Burden: Part 1 DP 5902220. Benefit: Tweed Shire Council

5. Insert new Condition in Schedule B after Condition 11.1 which is numbered 11.2 which reads as follows to reflect the requirements for a restrictive statutory covenant for conservation purposes:

11.2 Within 90 days of the issue of Section 4.55 consent for D95/0193.02 the boundary of the 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' shown on the plan Impact Analysis and Habitat Compensation Area Plan dated 22 March 2019 prepared by Tweed Shire Council shall be physically surveyed, clearly marked and delineated at regular intervals by a registered surveyor.

6. Insert new Condition in Schedule B after Condition 11.2 which is numbered 11.3 which reads as follows to reflect the requirements for a restrictive statutory covenant for conservation purposes:

11.3 Habitat restoration works within the 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' shown on the plan Impact Analysis and Habitat Compensation Area Plan dated 22 March 2019 prepared by Tweed Shire Council in accordance with the approved Plan of Management (subject to Attachment 1) shall commence immediately upon any works occurring within the quarry and landfill approved by Section 4.55 consent D95/0193.02.

7. Insert after Condition 11.3 as referenced in new Condition 1B of consent ATTACHMENT 1 CONDITIONS – LANDFILL ENVIRONMENTAL MANAGEMENT PLAN (LEMP) AMENDMENTS as follows:

ATTACHMENT 1 CONDITIONS – LANDFILL ENVIRONMENTAL MANAGEMENT PLAN (LEMP) AMENDMENTS

The applicant shall amend the existing approved Landfill Environmental Management Plan (LEMP) Stotts Creek Landfill Facility for Solid Waste Landfill Expansion dated 20 September 2004 prepared by Tweed Shire Council in accordance with all the amendment items detailed herein.

1. Amendment Item 1 General Provisions

- a. All LEMP components and reference to the quarry and landfill layout plan shall be consistent with and reflect the layout plan approved by D95/0193.02
- b. Ensure consistency between any general provisions of the LEMP and those stipulated in specific supplementary management plan sub-components described below
- c. Provide an updated Action Plan based on the detail provided in the supplementary plans

2. Vegetation and Fauna Management Plan

A Vegetation and Fauna Management Plan ('V&FMP') shall be prepared by a suitably qualified ecologist to be implemented during the construction and operational phase of the development. The V&FMP shall be included as a sub-component of the LEMP and detail the following:

- a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development.
- b. Clearly identify the layout plan approved by D95/0193.02 to ensure all necessary measures are implemented to:
 - i. Ensure works remain within the approved extraction and landfill boundary
 - ii. Habitat within the 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' shown on the plan Impact Analysis and Habitat Compensation Area Plan dated 22 March 2019 prepared by Tweed Shire Council to be protected is afforded adequate protection during the construction and operational phase of site operations
- c. Details of all proposed infrastructure, site access and services
- d. Details of strategies and methods to be implemented to protect vegetation and habitat to be retained in accordance with the *Australian Standard AS 4970-2009 Protection of trees on development sites*
- e. Information on how the clearing will be undertaken including:
 - i. Whether the clearing will be undertaken in stages
 - ii. Special considerations for clearing (e.g. juvenile vegetation first)
 - iii. Time periods between clearing of staged areas (where applicable) or immature vegetation
 - iv. Direction of clearing
 - v. Details of erosion and sediment control measures to be employed prior to, or immediately following clearing activity

- f. Methods for the reuse of felled vegetation from the subject site (i.e. sensitively placing felled material where appropriate within retained areas to improve habitat values)
- g. Disposal methods for remaining debris after the above methods have been employed
- h. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc.) and description of fauna species known/likely to utilise habitat features
- i. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed)
- j. Considerations relating to time periods for when fauna is likely to be removed/flushed prior to clearing. Regard shall be given to nesting/roosting times when scheduling tree works
- k. Details of special equipment required (such as cameras, elevated platforms etc.)
- l. Identification of general locations that wildlife may be relocated/translocated to if required (based on habitat requirements and subject to any required licences/permits)
- m. Specify that all fauna management procedures shall be undertaken by a suitably qualified wildlife specialist who holds all necessary permits/licences issued by the NSW Department of Environment & Heritage (or equivalent agency at the time)
- n. Long term fauna management requirements (including but not limited to):
 - i. Review and update of the feral animal management plan for the Stott's Creek Resource Recovery Centre by a qualified zoologist
 - ii. removal of unnecessary barbed fencing or retrofitting to make fauna friendly
- o. Any other vegetation management measures as detailed in:
 - i. Section 8.2 of the *Flora and Fauna Assessment. Proposed Landfill Cell Expansion, Stotts Creek Resource Recovery Centre dated May 2017 prepared by Tweed Shire Council*
 - ii. *Nest Box Plan Stotts Creek Resource Recovery Centre Proposed Landfill Cell Expansion revised May 2017 prepared by Tweed Shire Council – Design Unit*

3. Habitat Restoration Plan

A Habitat Restoration Plan ('HRP') shall be prepared as a sub-component of the LEMP for the 'Compensation Area – Habitat Restoration and Statutory Protection (2.5 ha)' shown on the plan Impact Analysis and Habitat Compensation Area Plan dated 22 March 2019 prepared by Tweed Shire Council

The HRP shall be prepared by a suitably qualified professional in accordance with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* to include the following information (but not be limited to):

- a. An appraisal of the present condition of remnant and regrowth vegetation
- b. A plan overlaying an aerial photograph of the site which divides the area into appropriate management zones
- c. A management strategy for each of the zones, using an 'Assisted Natural Regeneration' approach
- d. Natural recruitment must exceed one (1) plant per metre square
- e. A program of works to be undertaken to remove invasive weed species (declared and environmental weeds);
- f. A schedule of timing of proposed works and frequency of activities developed to achieve site capture over a 5 year maintenance period
- g. Management of adjacent works and any fencing/signage requirements to restrict unauthorised access
- h. Nomination of key performance indicators/criteria for monitoring purposes
- i. An active maintenance, monitoring and reporting schedule with developer commitment for a period of not less than five (5) years
- j. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of Council's General Manager or delegate for such changes.

4. Nest Box Plan

The submitted Nest Box Plan Stotts Creek Resource Recovery Centre Proposed Landfill Cell Expansion revised May 2017 prepared by Tweed Shire Council – Design Unit shall form a sub-component of the LEMP. All prescribed measures shall be implemented in accordance with the timing specified in the Nest Box Plan.

5. Stormwater Management

Prior to the construction of any new cell as modified under D95/0193.02, an updated Stormwater (including Leachate) management plan is to be approved by the NSW EPA and included in the updated LEMP.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

10 [PR-CM] Draft Kingscliff Locality Plan - Exhibition Consultation Report

145

Cr R Cooper

Cr C Cherry

RESOLVED that Council:

1. endorse the attached draft Kingscliff Locality Plan and Development Control Plan Exhibition Community Consultation Report 20 August – 24 September 2018;
2. notes that the endorsed Community Consultation Report will inform the final drafting of the Kingscliff Locality Plan and Development Control Plan which will be reported to Council for adoption; and
3. in consideration of the key issues within the evaluation report resolve to:
 - a) Utilise Council's current draft E-Zone criteria mapping as the basis for the nomination of 'ecologically significant land' within the final KLP&DCP. Provide Gales Holdings with the opportunity to make representations of their ongoing BAM assessment and offset planting strategy as part of Council's forthcoming E-Zone Review process;
 - b) Include reference to the Tweed Valley Hospital as a major land use, social and economic anchor within the final KLP&DCP which involves:
 - Updating diagrams and references to the TVH Site throughout the KLP & DCP documents;
 - Including narrative references to the TVH across each of the KLP & DCP documents particularly in terms of locality wide strategies, economic, employment and social context sections;
 - Continue ongoing consultation with NSW Health and the DP&E with regards to hospital planning and design issues and protecting Cudgen State significant farmland;
 - c) Endorse the proposed building heights as exhibited and initiate a planning proposal to amend the Tweed Local Environmental Plan 2014 to reflect those building heights once the final KLP&DCP has been adopted by Council. Acknowledge that as greenfield sites undergo more detailed site specific master plan processes to inform future planning proposal(s), a review of building heights against proposed

land uses and design led outcomes, as initiated by landowners, will likely form part of that master planning process;

- d) Not pursue the land owner request for the extension of nominated 'urban footprint' areas within the Turnock St Precinct (area the subject of DA17/0554) in consideration of environmental constraints but acknowledge ongoing investigations through a developer led master planning process regarding opportunity for either passive open space or offset planting;
- e) Defer consideration of land owner request for the extension of nominated 'urban footprint' areas within the Cudgen Precinct (lands adjoining future lake resulting from sand extraction operation) from the current KLP & DCP but retain strategies to investigate opportunity to establish a holiday park or tourist accommodation adjoining the future artificial lake (private recreation) as part of the precincts master planning process which should also address key constraints including flood impact. Acknowledge the future land use consideration of this site will be more appropriate at the cessation of the sand extraction industry which has an approved operational life until 2047;
- f) Updated diagrams within relevant sections of the final KLP&DCP to represent the approved alignment of Altona Road alignment and provide in principle support for the Crescent St realignment and Turnock St extension preliminary road alignment and intersection location with Tweed Coast Road. Acknowledge the detailed design including final alignment and dimensions, road pavement design and cross sections including fill levels, batters, drainage, integration of shared pathways and detailed intersection design along with consideration of potential impacts on the adjoining sites is deferred to a more detailed developer led master plan process for consultation and review by Council;
- g) Retain reference to the 20m vegetative buffer as a development control along the business and knowledge precinct road frontage to Tweed Coast Road noting that the development control plan is a guideline with landscape measures to achieve the vegetative buffer objective to be addressed through a more site specific master plan;
- h) Retain the planning and design principles to locate key community facilities within either the Town Centre or Turnock St Precincts in consideration of the beneficial co-locational advantages with the existing business centre and availability of well-located Greenfield development land. Acknowledge the evidence based need and location of such community facilities to be reappraised as an outcome of Council's Community Infrastructure Network Plan in coordination with developer led master plan processes;
- i) Amend the final KLP&DCP planning principles relating to the North Kingscliff greenfield development site to mitigate potential interface issues raised between the residents of Sand St and the North Kingscliff Greenfield development site by nominate a combination of both R3 medium density residential with 12.2m building height with the exception of land adjoining existing low density interface allotments which would have a building height of 9.0m (refer option 2 in the consultation report). It is acknowledged that the final structure plan including nomination of

building typologies would be the outcome of a future developer initiated site specific master plan;

- j) Retain strategies to investigate rezoning from R2 low density to R3 medium density to identified sites along the western side of Kingscliff and Sands Street but with a reduced building height of 9.0m (refer option 2 in the consultation report) and delete references to properties along Shell Street;
- k) Amend the final KLP&DCP to retain Council owned land along Elrond Drive as RE1 Private Recreation (refer option 1 in the consultation report) in review of the lack of appropriately sized and embellished passive open space areas within walking distance of surrounding established residential areas. It is acknowledged that the evidence based need and likely future embellishment of this site will be better understood following the completion of Council's draft Open Space Strategy;
- l) Amend the final KLP&DCP to remove reference to the strategies to investigate the rezoning of the NSW Police site from R3 to B4 Mixed Use with a 13.6m building height. The proposed 12.2m building height to R3 zones within Kingscliff would apply to this site;
- m) Amend the final KLP&DCP in relation to the Salt Precinct to reference opportunity to rezone part of Lot 169 DP1075495 fronting Bells Boulevard from SP3 Tourist to B4 Mixed Use to encourage a broader range of retail, commercial, residential uses which would serve the broader Salt precinct residential catchment; and
- n) Update the final KLP&DCP to including a number of minor editorial and diagrammatic amendments and corrections.

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

11 [PR-CM] Helipads and Heliports - Management of Noise

146

Cr C Cherry
Cr R Cooper

RESOLVED that Council defers this item for a Councillor Workshop to discuss key issues surrounding the assessment and regulation of noise associated with helipads and heliports;

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.05 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.50 pm

Cr J Owen temporarily left the meeting at 07:50 PM.

SUSPENSION OF STANDING ORDERS

147

Cr P Allsop
Cr R Cooper

RESOLVED that Standing Orders be suspended to deal with Items 20 to 34 with the exception of items 21, 25 and 27 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase, Cr J Owen

PROCEDURAL MOTIONS

148

Cr P Allsop
Cr R Cooper

RESOLVED that Items 20 to 34, with the exception of Items 21, 25 and 27, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase, Cr J Owen

149

Cr P Allsop
Cr R Cooper

RESOLVED that Items 20 to 34, with the exception of Items 21, 25 and 27, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase, Cr J Owen

20 [E-CM] Parkes Lane Area Sewerage Scheme

150

**Cr P Allsop
Cr R Cooper**

RESOLVED that Council:

1. Supports the provision of Council owned sewerage scheme for the 101 properties that are still currently serviced by on-site sewage systems in the Parkes Lane area.
2. Commences consultation with the property Owners with an aim to gaining acceptance from two thirds of the owners to allow a future recommendation to Council for a compulsory scheme based on the following costs in 2019 dollars:
 - 50% paid for by Council i.e. \$15,750 / lot
 - 50% paid for by Owner i.e. \$15,750 / lot.

Owners pay the full amount upfront to receive a 20% discount, or over a 10 year period via a levy of \$1,575 in year one with annual CPI increments.

3. Commences detailed design of sewerage system and prepare a new sewerage levy for the scheme.
4. Notes that the construction works shall be staged, as connections to the nearby sewerage system in the Altitude Aspire development become available.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

22 [E-CM] Sponsorship of the 2019 Northern Rivers Science & Engineering Challenge

151

**Cr P Allsop
Cr R Cooper**

RESOLVED that Council becomes a Bronze Sponsor of the 2019 Northern Rivers Science and Engineering Challenge hosted by Southern Cross University, Lismore, with the Bronze contribution being \$500, excluding GST.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

23 [FRIT-CM] In Kind and Real Donations - October to December 2018

152

**Cr P Allsop
Cr R Cooper**

RESOLVED that Council notes the total in kind and real donations of \$74,642.76 for the period of October to December 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

24 [FRIT-CM] Monthly Investment Report for Period ending 31 March 2019

153

**Cr P Allsop
Cr R Cooper**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 March 2019 totalling \$341,897,919 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

26 [PCG-CM] Lease Arrangements - Kingscliff Amateur Fishing Club and Bluewater Fishing Club clubroom, Ed Parker Rotary Park Kingscliff

154

**Cr P Allsop
Cr R Cooper**

RESOLVED that Council:

1. Enters into a lease agreement with Kingscliff Amateur Fishing Club and the Kingscliff Bluewater Fishing Club as tenants in common for use of their Clubs' facility located within Ed Parker Rotary Park, Lot 287 DP 542598, Kingscliff.
2. Executes all the documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase***

28 [PCG-CM] Model Code of Conduct

155

**Cr P Allsop
Cr R Cooper**

RESOLVED that the:

1. Model Code of Conduct be adopted, effective 14 June 2019, as three separate codes as follows:
 - a) Code of Conduct for Councillors Version 1.0;
 - b) Code of Conduct – Council Staff Version 1.0; and
 - c) Code of Conduct for Council Committee Members, Delegates of Council and Advisors Version 1.0, and
2. Model Code of Conduct Administration Procedure Version 2.7 be adopted effective 14 June 2019.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase***

29 [PCG-CM] Tweed Shire Australia Day

156

Cr P Allsop

Cr R Cooper

RESOLVED that Council:

1. Maintains the Tweed Shire Australia Day Awards Selection Panel comprising 7 Councillors and the current Awardees of the categories listed below, to consider Tweed Shire Australia Day Award nominations:
 - Citizen of the Year;
 - Arts and Culture (1 representative if a group);
 - Volunteer of the Year;
 - Sporting Achievement (1 representative if a group); and
 - Young Achiever of the Year.
2. Maintains the following Tweed Shire Australia Day Award Categories:
 - Arts and Culture
 - Community Event of the Year
 - Sporting Achievement
 - Young Achiever in Community Service
 - Volunteer of the Year
 - Citizen of the Year
3. Supports the changes to the Eligibility Criteria for the Tweed Shire Australia Day Awards as outlined in the report.
4. Holds the 2020 Tweed Shire Australia Day celebrations, which include the Citizenship Ceremony, at the Tweed Heads Auditorium.
5. Continues to explore gift ideas from local Aboriginal organisations for Award recipients.
6. Continues to support, from the Australia Day budget, applications for financial assistance of up to \$300 from non-profit organisations and community groups interested in hosting small community Australia Day events.
7. Invites the 2018 Tweed Shire Australia Day Citizens of the Year, Meredith Dennis and Samuel Ford, to be the 2019 Tweed Shire Australia Day Co-Ambassadors.
8. Does not participate in the Australia Day Achievement Medallion and Pin Program, as it currently has a staff recognition program.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

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

157

**Cr P Allsop
Cr R Cooper**

RESOLVED that in respect to Contract RFO2018145 Casual Labour Hire and Associated Services:

1. Council awards the offer from Spinifex Recruiting (ABN 77 100 120 474) for the schedule of rates tendered.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase**

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

31 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Wednesday 6 February 2019

158

**Cr P Allsop
Cr R Cooper**

RESOLVED that the Minutes of the Community Halls Advisory Committee Meeting held Wednesday 6 February 2019 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase**

32 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 27 February 2019

159

**Cr P Allsop
Cr R Cooper**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 27 February 2019 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase***

33 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 20 February 2019

160

**Cr P Allsop
Cr R Cooper**

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 20 February 2019 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase***

34 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 8 February 2019

161

**Cr P Allsop
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 8 February 2019 be received and noted; and
-

2. The Executive Leadership Team's recommendations be adopted as follows:

GB5. Changes to Chinderah / Kingscliff Locality Boundary

That Council acknowledges that the Aboriginal Advisory Committee supports the view of long term residents of Chinderah and opposes the submission to alter the locality boundary between Kingscliff and Chinderah.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

Cr J Owen has returned from temporary absence at 07:53 PM

RESUMPTION OF STANDING ORDERS

162

Cr C Cherry

Cr R Byrnes

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

- 12 [CNR-CM] Jack Evans Boat Harbour Plan of Management Community Consultation Report and Update**

ALTERNATE MOTION

163

Cr C Cherry

Cr R Byrnes

RESOLVED that Council:

1. Supports the scope of the proposed Draft Jack Evans Boat Harbour Plan of Management to include the JEBH Waterway, Chris Cunningham Park, Goorimahbah, Ebenezer Park shown in Figure 1, excluding all lots subject to NSW Aboriginal Land Council land claim no: 24855.
 2. Meets with Crown Lands as requested in letter dated 29 March 2019 to discuss available options regarding the Crown lands that are within the Precinct, but not under
-

the care, control and management of the Trust. Discussion of these options will enable the progression of the rationalisation of the management of these Crown lands.

3. Continues to prepare the draft Plan of Management in parallel to the ongoing steps required to seek legal tenure for the Plan.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

13 [CNR-CM] Temporary Outdoor Cinema in Ebenezer Park

164

Cr P Allsop
Cr J Owen

RESOLVED that Council supports the temporary outdoor cinema activity in Ebenezer Park, Tweed Heads during September/October 2019 in principle, subject to all details being provided and assessed by Council staff.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

15 [CNR-CM] Pest Management Program Report - July to December 2018

165

Cr R Cooper
Cr P Allsop

RESOLVED that Council receives and notes the Pest Management Report - July 2018 to December 2018 and continues the scheduled works.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

REPORTS FROM THE DIRECTOR ENGINEERING

16 [E-CM] Recycled Products and Sustainable Procurement

166

Cr C Cherry
Cr P Allsop

RESOLVED that Council:

1. Implements the supply chain, framework and reporting initiatives outlined in this report to enhance opportunities to use more recycled products.
2. Undertakes a gap analysis of Council's current systems and processes against ISO 20400 Sustainable Procurement to set sustainable procurement goals and priorities which are relevant to Council's operations, and to provide staff with focussed processes and training in these areas.
3. Endorses the revised Procurement Policy (with updates regarding Sustainable procurement and recycled products, Business associations disclosure, Indigenous procurement, and Local preference) and place the document on public exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

19 [E-CM] Exhibition of Voluntary House Purchase Schemes and High Flood Hazard Areas Policy

167

Cr P Allsop
Cr R Cooper

RESOLVED that:

1. The South Murwillumbah and Bray Park Voluntary House Purchase Scheme Scoping Study and Implementation Plan, Burringbar and Mooball Voluntary House Purchase Scheme Scoping Study and Implementation Plan, High Flood Hazard Areas Policy and DCP-A3 Development of Flood Liable Land v1.5 be placed on public exhibition for a period of 42 days.
 2. ATTACHMENTS 1, 2, 3 and 4 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (a) *personnel matters concerning particular individuals (other than councillors).*
-

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

21 [E-CM] Water Supply and Wastewater Asset Management Plans

168

Cr C Cherry

Cr P Allsop

RESOLVED that Council places the Draft Water Supply and Wastewater Asset Management Plans (March 2019) on public exhibition for a period of 28 days.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

25 [FRIT-CM] 2017/2021 Delivery Program and 2019/2020 Operational Plan

169

Cr P Allsop

Cr R Byrnes

RESOLVED that in accordance with Sections 404 and 405 of the Local Government Act 1993, the following documents be placed on public exhibition inviting submissions for a minimum 28 days:

- Draft 2017/2021 Delivery Program/2019/2020 Draft Operational Plan;
- Draft 2019 Resourcing Strategy supporting the Community Strategic Plan;
- Draft 2019/2020 Revenue Policy and Statement;
- Draft 2019/2020 Operational Plan Budget;
- Draft 2019/2020 Fees and Charges; and

amends the Draft Budget to provide an additional annual \$10,000 for the Tweed Valley Wildlife Carers from Council's roads budget and to be included in the long-term financial plan.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

27 [PCG-CM] Meeting Dates 1 July 2019 to September 2020

ALTERNATE MOTION

170

Cr C Cherry
 Cr J Owen

RESOLVED that Council adopts the following Meeting Dates and venues for the period 1 July 2019 to September 2020:

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
4 July 2019*	Murwillumbah		
1 August 2019	Tweed Heads	15 August 2019	Tweed Heads
5 September 2019	Murwillumbah	19 September 2019 %	Murwillumbah
3 October 2019	Tweed Heads	24 October 2019 ^	Tweed Heads
7 November 2019	Murwillumbah	21 November 2019	Murwillumbah
5 December 2019	Tweed Heads	11 December 2019 #	Tweed Heads
6 February 2020	Murwillumbah	20 February 2020	Murwillumbah
5 March 2020	Tweed Heads	19 March 2020	Tweed Heads
2 April 2020	Murwillumbah	16 April 2020 *	Murwillumbah
7 May 2020	Tweed Heads	16 May 2020	Tweed Heads
4 June 2020	Murwillumbah	18 June 2020	Murwillumbah
2 July 2020**	Tweed Heads		
6 August 2020	Murwillumbah	20 August 2020	Murwillumbah
3 September 2020	Tweed Heads		

NOTE: * No Council Meeting on 18 July 2019.
 % 19 September 2019 will include an Extraordinary Meeting for the election of the Deputy Mayor.
 ^ 24 October 2019 to allow consideration of the Annual Financial Statements.
 # 11 December 2019 given proximity to Christmas Period.
 ** No Council Meeting on 16 July 2020.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

LATE ITEMS

171

Cr C Cherry
Cr R Cooper

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

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

35 LATE [PCG-CM] Code of Meeting Practice for Exhibition

172

Cr P Allsop
Cr R Byrnes

RESOLVED that Council approves the draft Code of Meeting Practice as attached to this report for public exhibition for a period of 28 days from Monday, 15 April 2019 until close of business on Monday, 13 May 2019 and allows submissions for 42 days from Monday, 15 April 2019 until close of business on Monday, 27 May 2019 with the following amendment:

Council will meet in the following format:

- a) A Planning Committee meeting (comprising all seven councillors) to discuss planning related matters on the first Thursday of the month. The Planning Committee will include a Public Forum, with a Council Meeting to follow; and
- b) A Council Meeting on the third Thursday of the month. This Council Meeting will include a Public Forum and consideration of Notices of Motion, Questions on Notice, Mayoral Minute and all other reports.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr C Milne, Cr W Polglase

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

The Deputy Mayor declared that that Item 36 being a Late item **not** be dealt with and it be ruled by the Chairman to **not** be of great urgency.

37 [FRIT-CM-LATE] Fossil Fuel Divestment

The Deputy Mayor declared that that Item 37 being a Late item **not** be dealt with and it be ruled by the Chairman to **not** be of great urgency.

CONFIDENTIAL ITEMS FOR CONSIDERATION

Nil.

There being no further business the Meeting terminated at 8.08pm



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

Chairman