

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Wednesday 12 December 2018

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 5.33pm.

IN ATTENDANCE

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

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

"We pray that You will guide the Councillors and Council staff of the Tweed Shire Council as they meet together today; that they may think calmly and carefully, decide wisely and prayerfully and may their decision be in accordance with Your will and for the welfare of Your people in the Tweed community."

Through Jesus Christ our Lord."

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Meeting held Thursday 15 November 2018

635

**Cr P Allsop
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 November 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 Meeting held Friday 30 November 2018

636

**Cr P Allsop
Cr R Byrnes**

RESOLVED that the Minutes of the Extraordinary Council Meeting held Friday 30 November 2018 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held 6 December 2018

This item was considered in conjunction with Addendum Item a3.

a3 ADDENDUM [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 6 December 2018

637

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 6 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.
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The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr K Milne declared a non-significant non-pecuniary interest in Item 15 [PR-CM] Cobaki Concept Plan Mod 8 - Comments to the Department of Planning & Environment. The nature of the interest is due to legal matters with the Chairman of LEDA Holdings. Cr Milne will manage the interest by remaining in the Chamber during discussion and voting as advised as being appropriate by the Office of Local Government.

SUSPENSION OF STANDING ORDERS

638

Cr K Milne
Cr P Allsop

RESOLVED that Standing Orders be suspended to deal with Item 14 [PR-CM] Pocket Herb Noise Assessment - Lot 3 DP 1191598 No. 67 Howards Road, Burringbar on the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [PR-CM] Pocket Herb Noise Assessment - Lot 3 DP 1191598 No. 67 Howards Road, Burringbar

ALTERNATE MOTION

639

Cr C Cherry
Cr K Milne

RESOLVED that Council, in respect of the compliance actions taken in respect of DA13/0712, relating to land described as Lot 3 DP 1191598, No. 67 Howards Road Burringbar:

1. Receives and notes this report on the alleged noise impacts from the operation;

2. Request further information from the proponent addressing; inconsistencies regarding noise data presented to date and the management of the operation of Greenhouse 2, and further information in accordance with point 3 of the Council resolution of 3 August 2017; and
3. Council officers liaise with the site owners to ensure compliance with point 4 of the Council resolution of 3 August 2017 being:
 - "4. *Operator is not permitted to operate greenhouse 2 until Council is satisfied that there will be no noise impacts above the approved noise criteria and written approval has been issued by Council;*"

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

RESUMPTION OF STANDING ORDERS

640

Cr R Cooper
Cr P Allsop

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE – Unanimous

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions at 12 December 2018

The report on the Schedule of Outstanding Resolutions at 12 December 2018 was received and noted.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for November 2018

641

Cr K Milne

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

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions at 15 November 2018

There were no petitions received for consideration.

ORDERS OF THE DAY

7 [NOM-Cr K Milne] Greening the Shire

ALTERNATE MOTION

642

Cr K Milne

Cr C Cherry

RESOLVED that Council:

1. Schedules a Workshop on a program to green our public places and streets with trees that will provide shade and full canopy cover wherever possible.
2. Further investigates amending Development Code A5 to ensure sufficient space is provided for road and street verges to provide for large and significant trees to provide for shade and full canopy cover wherever possible and schedules a Council Workshop.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [NOM-Cr K Milne] Single Use Plastic and Plastic Drink Bottles

ALTERNATE MOTION

643

**Cr K Milne
Cr C Cherry**

RESOLVED that Council moves to eliminate the use of single use plastics and plastic drink bottles from all Council events, wherever legally possible or unless otherwise reasonably justified, and develops a campaign to seek the support of the community and local businesses in the Shire to eliminate such use.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [NOM-Cr R Cooper] Land Acquisition EOI - Tiny Homes

ALTERNATE MOTION

644

**Cr R Cooper
Cr K Milne**

RESOLVED that:

1. Council officers consult with Cr R Cooper to scope a proposal to establish a tiny home estate or village of between 100 and 200 houses and brings back a report for Council to consider an Expression of Interest process from landowners.
2. The General Manager follow up with the local State Members concerning Council's resolution of 15 February 2018.

***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***

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

10 [GM-CM] Quarterly Payment - The Tweed Tourism Company

645

Cr R Byrnes
Cr K Milne

RESOLVED that Council:

1. Pay The Tweed Tourism Company (DR Tourism Pty Ltd) its first quarter 2019 payment immediately on submission of an appropriate tax invoice, and
2. Considers the first quarterly report from the Tweed Tourism Company at the February 2019 Council meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

11 [PR-CM] Tweed Valley Hospital - Actions taken on Resolution of 15 November 2018

ALTERNATE MOTION

646

Cr K Milne
Cr C Cherry

RESOLVED that Council in relation to Minute No 576 Item 9 titled [NOM-Cr K Milne] Tweed Valley Hospital of Council meeting 15 November 2018:

1. Notes that Items 1, 3, 4 and 6 have been actioned by the Mayor through the Mayor's Personal Assistant with a letter sent to NSW Parliament on 30 November 2018.
 2. Receives and notes confidential advice received from Lindsay Taylor Lawyers on 2 November 2018 in relation to Item 2 and seeks further barrister advice on this matter.
 3. Receives and notes the desktop research response from Council's Natural Resource Management Unit in relation to Item 5 and as a precautionary approach considering the numerous threatened species including those critically endangered species identified in the attachment potentially on and immediately adjacent to the site that Council refers this application for assessment under EPBC Act.
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4. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

12 [PR-CM] Rural Land Strategy for Adoption

Cr W Polglase temporarily left the meeting at 06:54 PM.

647

Cr K Milne
Cr P Allsop

RESOLVED that Council places on exhibition the Draft Rural Land Strategy as amended in Attachments 1 to 5 of this report for a minimum period of 28 days commencing in February 2019 and the results of this exhibition to be reported back for final determination.

Cr W Polglase has returned from temporary absence at 07:04 PM

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.05 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.44pm.

13 [PR-CM] Draft Kingscliff Locality Plan and Development Control Plan - Interim Review of Consultation Feedback

ALTERNATE MOTION

648

Cr R Cooper
Cr K Milne

RESOLVED that Council:

1. Receives and notes this report and the attached community round table comment tabulations and written submission review;
2. Notes that a further future report will provide a more detailed and analytical review of the key issues as an outcome of the consultation process, with recommendations to inform the final drafting of the Kingscliff Locality Plan and DCP in the form of *KLP Community Consultation Evaluation Report*.
3. Forward a copy of the *KLP Community Consultation Evaluation Report* with the adopted Kingscliff Locality Plan, subject to Council approval, to the Department of Planning and Environment.
4. Consider a future supplementary report on the status of the E-Zone review as it applies to the Kingscliff locality including Gales Holdings sites.

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

14 [PR-CM] Pocket Herb Noise Assessment - Lot 3 DP 1191598 No. 67 Howards Road, Burringbar

This item was dealt with earlier in the meeting. (Minute No 639 refers).

15 [PR-CM] Cobaki Concept Plan Mod 8 - Comments to the Department of Planning & Environment

DECLARATION

Cr K Milne declared a non-significant non-pecuniary interest in Item 15 [PR-CM] Cobaki Concept Plan Mod 8 - Comments to the Department of Planning & Environment. The nature of the interest is due to legal matters with the Chairman of LEDA Holdings. Cr Milne advised that she will manage the interest by remaining in the Chamber during discussion and voting on the merits of this item.

Cr K Milne
Cr C Cherry

PROPOSED that:

1. Council endorses the comments contained within this report and the draft submission in Attachment 1 of this report, excluding the parts that support a 8 and 10 storey height limit and that in addition to the providing the staff submission, Council formally advises the

Department of Planning and Environment that Council does not support the proposed Cobaki Modification (Mod 8) due to the following additional concerns:

- a) Council has a long held and widely supported planning regime that clearly articulates the communities' preference for 3 storey height controls over the entire Shire, with the exception of Tweed Heads where high rise and high density has been accepted.

These Shirewide height controls have been through extensive and comprehensive approval processes and public exhibitions over many years that have consistently endorsed the current height limits and rejected any increases.

This vision has been recently evidenced in the 2014 Shirewide LEP, the Draft Kingscliff Locality Plan, the Hastings Point, Cabarita, Pottsville, and Fingal planning controls and consultations which reinforces the current height limits as the contemporary desired future character for the Shire.

The communities vision is to be more low key and low scale than the Gold Coast, and they have strongly and consistently opposed Gold Coast style over development which is largely expressed through high rise development such as this proposal.

To arbitrarily inflict a more than 300% increase in storeys for this development would change the community's vision of the Shire forever.

That this could even be contemplated in such a superficial manner and with such minimal consultation highlights the brokenness of the NSW Government planning system and would be an utter betrayal of the whole Tweed community.

It would be a shocking legacy for the Coalition Government to blow up Tweed's local planning controls, particularly so close to an election.

- b) The NSW Government must be confident that this high rise modification and the development generally is appropriate in light of the uncertain future with Climate Change and the potential for Sea Level Rise to be greater than anticipated.

The greater subsurface disturbance from footings and infrastructure required with high rise development must be considered in regard to potential climate change implications for salt water inundation, corrosion and undermining of underground infrastructure particularly in an acid sulphate environment.

The potential for compression of the subsurface layers and interference in the groundwater systems from the increased weight of high rise buildings and the potential effects on the adjacent ecosystems, as well as land subsidence must be seriously considered in this low lying and erodible environment with its very high rainfall and intense run off catchment.

Council is concerned about the implications for future generations with climate change with the potential, especially in the longer term, for the development to become unviable due to Sea Level Rise and become a significant public and private liability, and source of pollution to a sensitive ecosystem.

Both Eurobodalla and Ballina Shires are experiencing saltwater inundation already. High rise buildings would only exacerbate the difficulties of dealing with these problems and are not appropriate in such locations.

An exit plan / planned retreat program for the development should be developed, and development funds should be set aside at the cost of the developer for the purpose of removing infrastructure if / when the time comes.

Council does not wish to be held responsible for the development or the intensification of the development under such circumstances.

- c) The potential for migratory and non-migratory bird, bat and other flying wildlife and insects striking the high rise buildings particularly with reflective surfaces must be considered, and in light of international China-Australia Migratory Bird Agreement and Japan-Australia Migratory Bird Agreement treaties to protect migratory birds that occur in this area.
 - d) If any height increases are contemplated by the State Government (which is strongly opposed):
 - i) A comprehensive Shirewide consultation and strategic planning reform process should be undertaken to provide evidence of community support and justification for such increased height limits if this proposal is not refused in the first instance. This would be consistent with the level of evidence required by the State Government in regard to much less significant height controls adjustments proposed by Council in the Draft Kingscliff Locality Plan,
 - ii) Height increases should be of a more moderate scale in the range of 5-6 storeys at the very most to provide a less dramatic change.
 - iii) All buildings exceeding the current 3 storey height limit should be dedicated to social and affordable housing due to the significant housing stress in the Shire, and the lack of any affordable housing at all currently provided in the development,
 - iv) All buildings exceeding the current 3 storey height limit should have increased sustainability requirements including providing for greater long term affordability through reduced energy, waste and water consumption operating costs,
 - v) The visual impact of all buildings exceeding the current 3 storey height limit should be mitigated by comprehensive landscape design including maximum use of external 'living' plant walls and green living roofs.
2. The Council resolution and endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD8) of the Cobaki residential subdivision development.

The Motion was **Lost**

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

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

ALTERNATE MOTION

649

Cr W Polglase

Cr P Allsop

PROPOSED that:

1. Council endorses the comments contained within this report and the draft submission in Attachment 1 of this report; and
2. The endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD8) of the Cobaki residential subdivision development.

AMENDMENT 1

650

Cr K Milne

Cr R Byrnes

RESOLVED that:

1. If any height increases are contemplated for this development by the State Government:
 - i) A comprehensive Shire wide consultation and strategic planning reform process should be undertaken to provide evidence of community support and justification for increased height limits for this development, if this proposal is not refused in the first instance. This would be consistent with the level of evidence required by the State Government in regard to much less significant height controls adjustments proposed by Council in the Draft Kingscliff Locality Plan,
 - ii) All buildings exceeding the current 3 storey height limit should be dedicated to social and affordable housing due to the significant housing stress in the Shire, and the lack of any affordable housing at all currently provided in the development,
 - iii) All buildings exceeding the current 3 storey height limit should have increased sustainability requirements including providing for greater long term affordability through reduced energy, waste and water consumption operating costs,
 - iv) The visual impact of all buildings exceeding the current 3 storey height limit should be mitigated by comprehensive landscape design including maximum use of external 'living' plant walls and green living roofs.

2. The Council resolution and endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD8) of the Cobaki residential subdivision development.

Amendment 1 was **Carried**

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

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 650 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

<p>FOLLOWING THE MEETING A NOTICE OF RESCISSION RECEIVED ON THIS ITEM FROM COUNCILLORS MILNE, COOPER AND CHERRY.</p>

PROCEDURAL MOTIONS

651

Cr C Cherry

Cr K Milne

RESOLVED that the balance of the agenda, including Addendum Item a25 and with the exception of Item 24, Late Items 37 and 38, 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 W Polglase

AGAINST VOTE - Cr P Allsop

652

Cr K Milne

Cr C Cherry

RESOLVED that the balance of the agenda, including Addendum Item a25 and with the exception of Item 24, Late Items 37 and 38, be considered in bloc.

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

16 [PR-CM] Development Application DA18/0517 for a Pop Up Bar, Cafe, Food Van and Ancillary Facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff

This item was withdrawn as it was considered as a late item at the Ordinary Meeting held Thursday 6 December 2018 (Minute No 620 refers).

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

17 [CNR-CM] Homelessness Policy v2.0

653

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council notes the submissions made to the draft Homelessness Policy (v2.0).
2. Council adopts the Homelessness Policy (v2.0).
3. Actions associated with this policy to be included in the Community Development Strategy.

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] Equal Access Advisory Committee

654

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council notes the resignations of Chris Vannucci and Cr Reece Byrnes from the Equal Access Advisory Committee.
 2. A replacement for Chris Vannucci be sought as per the Terms of Reference.
-

3. The Terms of Reference be amended regarding Councillor representation to be consistent with other Committees of Council from two Councillors to having one Councillor and an alternate Councillor.
4. Cr Warren Polglase continue as the Councillor representative on the Committee and an alternate Councillor be appointed.

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] RFO2018125 Bulk Receipt of Food Organics & Garden Organics

655

Cr K Milne
Cr C Cherry

RESOLVED that in respect to Contract RFO2018125 Bulk Receipt of Food Organics & Garden Organics:

1. Council approves formation of a Panel of Providers including Eric Child and Sons Pty Ltd, NuGrow Ipswich Pty Ltd and Phoenix Power Recyclers for a 2 year period (with an optional 12 months extension at Councils discretion). And that Council gives no Guarantee to any amount of works under this Panel of Providers contract agreement.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENT 1 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

REPORTS FROM THE DIRECTOR ENGINEERING

20 [E-CM] Doon Doon - Classification of Land as Operational

656

Cr K Milne
Cr C Cherry

RESOLVED that Council, in accordance with Section 31 of the Local Government Act, 1993, classify Lot 2 DP 1246411 being 269 Doon Doon Road, Doon Doon and Lot 2 DP 838936 being 511 Doon Doon Road, Doon Doon as Operational Land.

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] Crescent Street, Cudgen - Classification of Land as Operational

657

Cr K Milne
Cr C Cherry

RESOLVED that:

1. Council approves the transfer to Council of proposed Lot 38 in the plan of subdivision of Lot 11 DP 1212919 at Tweed Heads South.
2. Proposed Lot 38 in in the plan of subdivision of Lot 11 DP 1212919 be classified as Operational Land pursuant to Section 31 of the Local Government Act, 1993.
3. All necessary documentation be executed 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

22 [E-CM] Bells Boulevard, Kingscliff - Classification of Land as Operational

658

Cr K Milne
Cr C Cherry

RESOLVED that Council, in accordance with Section 31 of the Local Government Act 1993 classify Lot 1 DP 1239474, Bells Boulevard, Kingscliff as operational land.

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] Classification of Land as Operational under the Voluntary House Purchase Scheme

659

Cr K Milne
Cr C Cherry

RESOLVED that Council, in accordance with Section 31 of the *Local Government Act*, 1993, classifies the following properties as "Operational Land":

1. Lot 1 DP381507, 323 Burringbar Road, Upper Burringbar;
2. Lot I DP6624, 20 Pottsville Road, Mooball;
3. Lot 2 Section 12 DP2974, 6 Holland Street, South Murwillumbah; and
4. Lots A, B, C, D DP6624, 6 Clarkes Road, Mooball.

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] Tweed Valley Hospital - s138 Application DWY18/0327

660

Cr K Milne
Cr C Cherry

RESOLVED that Council, in relation to S138 Application DWY18/0327, requires the applicant to modify the Access A alignment to meet Council's specifications for a driveway access aligned perpendicular to Cudgen Road, rather than the ancillary lane, and resubmit the application.

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

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

25 [FRIT-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 30 November 2018

This item was considered in conjunction with Addendum Item a25.

a25 ADDENDUM [FRIT-CM] Monthly Investment Report for period ending 30 November 2018

661

Cr K Milne
Cr C Cherry

RESOLVED that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at period ending 30 November 2018 totalling \$331,259,891 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

26 [FRIT-CM] NSW Government Parking Fine Concessions

662

Cr K Milne
Cr C Cherry

RESOLVED that a further report be presented to Council at its 21 March 2018 meeting providing a full analysis on the regulatory, community, operational and financial impacts of opting into the NSW Parking Fines Concessions arrangement.

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

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

663

Cr K Milne

Cr C Cherry

RESOLVED that Council endorses the:

- Draft Customer Experience Standards Version 1.7; and
- Managing Unreasonable Customer Conduct Policy Version 1.3

to be put On Exhibition for a period of 50 days from Monday 17 December 2018 until close of business Monday 4 February 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

28 [PCG-CM] Legal Services Register Report for the Period 1 July to 30 September 2018

664

Cr K Milne

Cr C Cherry

RESOLVED that Council receives and notes the Legal Services Register Report for the period 1 July to 30 September 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 [PCG-CM] Compliments and Complaints Analysis Report for the Period 1 July to 30 September 2018

665

**Cr K Milne
Cr C Cherry**

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 July to 30 September 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

30 [PCG-CM] Policy Update - Secondary Employment

666

**Cr K Milne
Cr C Cherry**

RESOLVED that Council adopts the revised Secondary Employment Policy version 1.5 as attached to this report.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

31 [PCG-CM] Annual Code of Conduct Reporting - 1 September 2017 to 31 August 2018

667

**Cr K Milne
Cr C Cherry**

RESOLVED that the Code of Conduct Complaints for the period 1 September 2017 to 31 August 2018 be received and noted and the return be submitted to the Office of Local Government.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

32 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 August 2018

668

**Cr K Milne
Cr C Cherry**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 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

33 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 October 2018

669

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 October 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1. Tweed Heads Cultural Plaza Workshop – site visit and discussion (Stewart Brawley and Warren Boyd, Tweed Shire Council)

That Council commissions Christine Slabb to:

- 1. Consult with the project management team and architect; and*
- 2. Consult with members of the Aboriginal Advisory Committee to articulate concept designs to be incorporated into the architectural plans.*

**A2. Robert Appo (Tweed Shire Council)
(a) Aboriginal Statement of Commitment Policy**

That:

- 1. Council recognises the Aboriginal Advisory Committee as the primary source of advice under the Terms of Reference for the Aboriginal Advisory Committee.*
- 2. The Aboriginal Advisory Committee recommends the insertion of an additional paragraph into the Aboriginal Statement of Commitment Policy as follows: 'Council is committed to the continuation of the Aboriginal Advisory Committee as the conduit for shared learning and work in partnership with the Aboriginal community'.*

GB5. Letter of Support for coffee van at Duranbah

That the Aboriginal Advisory Committee provides a letter of support to Rob Smith supporting his application to operate his mobile coffee van at Duranbah.

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 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 November 2018

670

**Cr K Milne
Cr C Cherry**

RESOLVED that:

- 1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 November 2018 be received and noted; and**
 - 2. The Executive Leadership Team's recommendation be adopted as follows:**
-

A2(a) Aboriginal Statement of Commitment

That Council notes the Aboriginal Advisory Committee recommendation that the names of each organisation making up the Aboriginal Advisory Committee are listed under the heading of 'Definitions' in the Aboriginal Statement of Commitment.

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

35 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held 2 November 2018

671

Cr K Milne
Cr C Cherry

RESOLVED that:

1. The Minutes of the Floodplain Management Committee Meeting held 2 November 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

3. Voluntary House Purchase Scheme Update

That Council notes the Committee's recommendation for a 9th step to be added to the presented Voluntary House Purchase scheme rollout strategy to explore policy options to:

1. *Rezone and develop flood free residential land in the Murwillumbah locality.*
2. *Require residential land developers to set aside land for potential land swap opportunities.*

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-LTC] Minutes of the Local Traffic Committee Minutes Meeting held Thursday 22 November 2018

672

**Cr K Milne
Cr C Cherry**

RESOLVED that:

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

A1 [LTC] 2019 Envirobank Country Surf Life Saving Championships

That the proposed Envirobank Country Surf Life Saving Championships on 2 to 3 February 2019 be supported subject to standard conditions of approval, NSW Police approval being obtained, community and business consultation and advertising in the Tweed Link.

1. *NSW Police approval being obtained.*
2. *The applicant should consider larger capacity park and ride options to minimise potential congestion and confusion in Kingscliff CBD.*
3. *An updated Traffic Management Plan needs to be submitted by 18 December 2018 for approval.*
4. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
5. *Community and affected business consultation including Kingscliff Chamber of Commerce, addressing raised concerns including a letterbox drop to directly affected residents.*
6. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
7. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
8. *Adequate public liability insurance being held by the event organiser.*
9. *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.*
10. *Consultation with emergency services and any identified issues addressed.*
11. *Arrangements made for private property access and egress affected by the event.*
12. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*

13. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

A2 [LTC] Zephyr Street and Kingscliff Street, Kingscliff

That:

1. *Yellow 'No Stopping' lines be installed from the end of the parking bays in Marine Parade to the kerb ramps on Beach Street.*
2. *Edge lines be installed on Zephyr and Beach Streets at the intersections off Kingscliff Lane to guide drivers on the appropriate distance to be parking from the intersection.*
3. *Double centre lines on Beach Street and Zephyr Street approaching Kingscliff Street be reduced to approximately 15 metres to allow additional parking.*

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

LATE ITEMS

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

The Mayor ruled that this late item would not be accepted on to the Agenda as it was not considered to be of great urgency.

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

The Mayor ruled that this late item would not be accepted on to the Agenda as it was not considered to be of great urgency.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

673

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

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 DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Update on Negotiations with Solo Resource Recovery on Proposed Variation to Collections Contract, and Negotiation with Polytrade on Sharing Return for Container Deposit

REASON FOR CONFIDENTIALITY:

The report contains financial information on a contract variation which is currently being negotiated.

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 99

That Council notes the contents of the report on the update on negotiations with Solo Resource Recovery on the proposed variation to the collections contract and the negotiation with Polytrade on sharing return for container deposit.

The Motion was **Carried**

FOR VOTE - Unanimous

C2 [CNR-CM] Proposed Renaming of Park at Burringbar

REASON FOR CONFIDENTIALITY:

Council has previously resolved to receive nominations for park naming in confidential so as to avoid potential offence to the nominee if the proposal is not supported.

Local Government Act

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

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

C 100

That Council calls for comment regarding the renaming of the park located at the old railway station in Burringbar 'Masterson and RSL Memorial Park' in accordance with Council's Policy for the Naming of Public Parks.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Development Servicing Plans for Water Supply and Sewerage Services

REASON FOR CONFIDENTIALITY:

The matter deals with the setting of charges by Council. Legal advice has been sought to confirm a position recommended to Council. Access to the legal advice and the discussion within the report may provide an opportunity for large developers to challenge Council in the setting of developer charges.

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 101

That Council:

1. Apply a single uniform shire wide developer charges for water supply and for sewerage in the amounts of:
 - a. Water Supply \$9,842
 - b. Sewerage \$6,908
2. Council place the draft Development Servicing Plans on public exhibition for a minimum period of 28 working days with submissions being received over 42 days from start of exhibition.
3. ATTACHMENTS 1, 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.
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried** (Minute No C101 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

LATE ITEMS IN COMMITTEE

C4 LATE [PR-CM] Reysson Pty Ltd - Soorley Street, Tweed Heads South

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

674

That, in relation to this report, Council adopts Option 1

The Motion was **Carried**

FOR VOTE - Unanimous

675

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 9.15pm.



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

Chairman

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