

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 15 November 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 5.36pm.

IN ATTENDANCE

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

Also present were Mr Vince Connell (for General Manager), Mr Paul Morgan (for Director Engineering), Mr Lindsay McGavin (for Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Ms Stephanie Papadopoulos (Manager Corporate Governance), Mr Mathew Greenwood (Acting Executive Officer), Mr Steven Titman (Acting Program Leader Media and Social Media) and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer from Mr Vince Connell:

Almighty God,

We pray You will guide the Councillors and Council staff of the Tweed Shire Council as they meet together today; help them think calmly and carefully, decide wisely and may their decisions allow great benefit to flow to all people of our Tweed community and our natural environment.

In the name of Jesus Christ, we ask, Amen.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 25 October 2018

570

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 25 October 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
ABSENT. DID NOT VOTE - Cr J Owen

2 [CONMIN] Confirmation of the Ordinary and Confidential Council Meeting held 1 November 2018

571

Cr C Cherry
Cr R Cooper

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 1 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
ABSENT. DID NOT VOTE - Cr J Owen

APOLOGIES

Mr T Green (General Manager), Mr D Oxenham (Director Engineering).

Attendee Cr J Owen has informed the General Manager that his absence is caused by attendance at the AICD course in Sydney.

572

Cr K Milne
Cr C Cherry

RESOLVED that the apology of **Cr J Owen** be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SUSPENSION OF STANDING ORDERS

573

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to consider Items 6, 8, 9, 17, 18 (in conjunction with Addendum Item 37) and 24.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

6 **[NOM-Cr K Milne] Removal of LEP clause 7.15 re Commercial Water Bottling Activities**

574

Cr K Milne
Cr R Cooper

RESOLVED that:

1. Council re-instigates a more comprehensive planning proposal to remove clause 7.15 of the Tweed Local Environment Plan to prohibit water extraction for commercial water bottling facilities in light of the precautionary principle in regard to the long term

sustainability of this activity, safety and amenity concerns, wear and tear on unsuitable rural roads, and the high level of opposition in the community for this activity.

2. The Planning Proposal to be progressed as a matter of the highest priority and the Gateway application be brought to Council for endorsement.
3. Council requests support for urgent action on this planning proposal from the NSW Minister for Planning Anthony Roberts, the Minister for Regional Water Niall Blair, and our local State members.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase, Cr P Allsop

ABSENT. DID NOT VOTE - Cr J Owen

8 [NOM-Cr K Milne] Rail Trail - Meeting with Adjacent Land Owners

575

**Cr K Milne
Cr C Cherry**

RESOLVED that Council invites the landowners adjacent to the proposed rail trail to a Workshop to advise of the latest progress on the project and to hear their concerns.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Allsop

ABSENT. DID NOT VOTE - Cr J Owen

9 [NOM-Cr K Milne] Tweed Valley Hospital

576

**Cr K Milne
Cr R Cooper**

<p>A RESCISSION MOTION WAS RECEIVED ON 20 NOVEMBER 2018 FROM COUNCILLORS POLGLASE, ALLSOP AND OWEN ON THIS ITEM</p>
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RESOLVED that Council:

1. Confirms its opposition to the site selected for the relocation of the Tweed Heads Hospital;
 2. Brings forward urgent legal advice on whether the Preliminary works proposed for the hospital relocation constitute exempt and complying development, and options for urgent compliance action if appropriate;
-

3. Requests the State Government re-exhibit the stage 1 application due to the inability to access relevant documents through the pathways provided in the public exhibition notices and the incorrect submission address originally listed, and extend the period for community consultation of the stage 1 application due to the inadequate time to assess the implications of significant impacts on our residents, business and farming communities from so many changes to the Shires' fundamental planning strategies;
4. Calls on the State Government to release as a matter of urgency and good faith all documents on the shortlisted hospital sites, and the option of redeveloping on the existing site or into the civic precinct adjacent, including but not limited, to diagrams of the potential footprints and estimated costs;
5. Undertake desktop research sufficient to identify federally scheduled species utilising the proposed hospital site or its immediate environs and to submit a formal referral of the Tweed Valley Hospital DA to the Commonwealth for assessment under the Environment Biodiversity Conservation Act;
6. Calls on all NSW Parliamentarians for an urgent Parliamentary Inquiry into the proposed Tweed Valley Hospital, or for this matter to be considered by the Parliamentary Public Works Committee. This Inquiry should investigate the governance and planning processes, including but not limited to:
 - a) The process and timeframes of the 2016 Northern NSW Local Health District board dismissals and appointments;
 - b) The process of deciding on the site selection criteria;
 - c) The use of exempt and complying and staging provisions to circumvent a proper 'whole of project' assessment;
 - d) The impact of such significant changes to Tweed Shire's existing Local, Regional and State planning strategies, including:
 - i) The impacts on Tweed's only Contiguous State Significant Farmland precinct;
 - ii) The impacts on the Kingscliff and Tweed Heads communities and economies from the relocation of this major economic driver and social infrastructure.
 - e) The haste and limited consultation provided for such a major project;
 - f) The lack of transparency particularly in regards to details, footprint diagrams and estimated costs of the alternative shortlisted sites and the option of redeveloping the Tweed Heads site including into the adjacent civic precinct; and
 - g) The lack of adequate assessment and information in the Stage 1 application.

The Motion was **Carried**

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

17 [PR-CM] Development Application DA18/0632 for a Change of Use of an Existing Dwelling to Serviced Apartment at Lot 39 DP 1191156 No. 679 Casuarina Way Casuarina

577

Cr C Cherry
Cr W Polglase

RESOLVED:

- A. That Development Application DA18/0632 for a change of use of an existing dwelling to serviced apartment at Lot 39 DP 1191156; No. 679 Casuarina Way Casuarina be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA-1, DA-2, DA-3 and DA-4, prepared by Denis Fish and dated 29/06/2018, except where varied by the conditions of this consent.

[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
3. The change of use of the building to a serviced apartment requires the installation of:
 - i) smoke alarms on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building in accordance with clause 3.7.2.3 of Volume 2 of the Building Code of Australia, and
 - ii) a system of lighting in the building (Class 1b) to assist evacuation of occupants in the event of a fire, and be activated by the smoke alarm *required* by 3.7.2.4(b) of Volume 2 of the Building Code of Australia and consist of a light incorporated within the smoke alarm; or the lighting located in the corridor, hallway or area served by the smoke alarm.

[GENNS01]

4. The use of the existing dwelling as a Serviced Apartment, subject to this consent is limited to a 12 month period commencing from the of issue of occupation certificate. At the completion of the 12 month period, the use of the site as a Serviced Apartment is to cease and the site will revert to use as a permanent residential dwelling only.

[GENNS02]

5. The use of the site as a Service Apartment is not permitted until an Occupation Certificate has been issued in accordance with this consent,

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. To ensure the building is provided with an adequate level of fire safety as required by the BCA due to the change in classification of the building from class 1a to class 1b the following works are required: i) In a Class 1b building smoke alarms in accordance with clause 3.7.2.4 of the Volume 2 of the BCA must be installed on or near the ceiling - (a) in every bedroom; and (b) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and (c) on each other storey. ii) In a Class 1b building, a system of lighting must be installed to assist evacuation of occupants in the event of a fire, and (a) be activated by the smoke alarm required by 3.7.2.4(b); and (b) consist of: (i) a light incorporated within the smoke alarm; or (ii) the lighting located in the corridor, hallway or area served by the smoke alarm. Prior to the release of the construction certificate details demonstrating compliance with the above mentioned requirements are to be submitted to and approved by the nominated PCA. Further to the above fire upgrading, the option is available to submit a fire engineering report containing an alternative solution addressing the Performance Requirement P2.3.2 as contained in Volume 2 of the Building Code of Australia. This report is to be submitted to the nominated PCA for assessment and determination prior to issue of the Construction Certificate.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

7. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

8. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

9. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

10. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0375]

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

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

[DUR1005]

15. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

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

[POC0205]

18. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

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

[POC0355]

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

[POC1055]

21. Upon the issue of an occupation certificate relating to the change of use to serviced apartment Tweed Shire Council is to be notified to enable the swimming pool to be entered on Councils Register of *Swimming pool/s on premises on which there is tourist and visitor accommodation or more than 2 dwellings*. This requirement is pursuant to the Swimming Pool Act 1992 which requires an inspection every three years of the swimming pool.

[POCNS02]

USE

22. A register is to be kept by the owner or proprietors to record the occupancies, complaints and incidents. The register shall be made available at any time for inspection by an authorised officer of Council.

[USE0025]

23. 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]

24. 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 12 midnight, 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 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

25. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical

plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

26. 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]

27. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

28. The premises shall be maintained in a clean and tidy manner.

[USE0965]

29. Occupancy and use of the premise shall comply with the 'House Rules' submitted with the Development Application to the satisfaction of the General Manager or his delegate.

[USENS01]

30. The maximum number of occupants of the property at any one time shall be 8. A sign shall be permanently displayed in the building stating the maximum number of occupants.

[USENS01]

31. Live music shall not be played external to the building. Acoustic or amplified music shall not be played external to the building between 9pm and 8am Sunday to Thursday. Acoustic or amplified music shall not be played external to the building between 10pm and 7am Friday and Saturday. The premise shall not be utilised for festivals.

[USENS01]

32. Use of the outdoor entertaining areas and swimming pool are restricted to 7am to 9pm Sunday to Thursday and 7am to 10pm Friday and Saturday.

[USENS01]

33. Structures such as tents, campervans, vehicles or caravans shall not be used for occupancy external to the building.

[USENS01]

34. Open fires shall not be lit or permitted to burn at the premise.

[USENS02]

35. An A3 size sign shall be permanently placed at the front of the property to the satisfaction of the General Manager or his delegate so it can be clearly seen from the public domain advising the public of the land owner's or property manager's contact details including telephone number to enable complaints to be readily made at any time of the day. The land owner or property manager shall be contactable 24 hours 7 days a week to be able to respond to complaints from neighbours within 30 minutes to deal with issues such as parties, noise or anti-social behaviour which may affect residential amenity.

[USENS02]

- B. That Council issue a Penalty Infringement Notice for the unauthorised use and advise the applicant in writing that the use of the site as a Service Apartment is not permitted until such time as an Occupation Certificate is issued.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

18 [CNR-CM] Aboriginal Statement of Commitment Policy

578

Cr W Polglase

Cr K Milne

RESOLVED that Council considers the Addendum Report at Item 37.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

37 [CNR-CM-ADDENDUM] Aboriginal Statement of Commitment Policy

579

Cr W Polglase

Cr K Milne

RESOLVED that Council adopts the revised Aboriginal Statement of Commitment Policy v1.4 which will supersede the Aboriginal Statement Policy v1.3.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

24 [E-CM] Road Closure - Wabba Road, Burringbar

580

Cr C Cherry
Cr K Milne

RESOLVED that all necessary documentation relevant to the closure and purchase of the road reserve forming the boundary of Lot 1 DP 551265 and the dedication of a new road reserve for recreation user access to Mooball National Park, as resolved at the meeting of 21 April 2016, be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

RESUMPTION OF STANDING ORDERS

581

Cr P Allsop
Cr R Byrnes

RESOLVED that Standing Orders be resumed.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 15 November 2018

The Schedule of Outstanding Resolutions as at 15 November 2018 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for October 2018

582

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of October 2018 be received and noted subject to an amendment to indicate that Cr Cherry attended at the official Nullum House Opening – Nullum House, Knox Park, Murwillumbah on 10 October.
2. The attendance of Councillors at nominated Conferences be authorised:
1-2 April 2019 - National Sustainability Conference, Brisbane - Cr K Milne.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

RECEIPT OF PETITIONS

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

Councillors noted that there were no Petitions were received as at 15 November 2018.

6 [NOM-Cr K Milne] Removal of LEP clause 7.15 re Commercial Water Bottling Activities

This item was dealt with earlier in the meeting (Minute No 574 refers).

ORDERS OF THE DAY

7 [NOM-Cr K Milne] Empire Lane Roadworks

583

Cr K Milne
Cr P Allsop

RESOLVED that Council brings forward proposed roadworks for Empire Lane to the earliest possible opportunity after the Essential Energy trenching has settled.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

8 [NOM-Cr K Milne] Rail Trail - Meeting with Adjacent Land Owners

This item was dealt with earlier in the meeting (Minute No 575 refers).

9 [NOM-Cr K Milne] Tweed Valley Hospital

This item was dealt with earlier in the meeting (Minute No 576 refers).

10 [NOM-Cr C Cherry] Street lighting - Pottsville

584

Cr C Cherry
Cr K Milne

RESOLVED that Council prepares a grant proposal and seeks alternate funding opportunities for two solar street lights in Philip Street, Pottsville near Philip Street Reserve, Pottsville, trim the tree above the walkway immediately north of the Pottsville Community Hall where the post sits in the middle of the walkway, to increase pedestrian safety in both locations.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

11 [NOM-Cr P Allsop] The Tweed Bottled Water

NOTICE OF MOTION:

This item was withdrawn at the request of Cr Allsop.

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

12 [GM-CM] Draft Filming Policy, Version 1.0

585

**Cr K Milne
Cr C Cherry**

RESOLVED that this item be deferred to the next Council Meeting to be held 6 December 2018.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

13 [GM-CM] RFO2018127 Murwillumbah VIC Building Flood Restoration

586

**Cr C Cherry
Cr K Milne**

RESOLVED that in respect to Offer RFO2018127 Murwillumbah VIC Building Flood Restoration:

1. Council awards a contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$229,052.50 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and 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:-
 - (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 J Owen

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

14 [PR-CM] Draft Tweed Shire Council Animal Pound - Rehoming and Minimising Euthanasia Policy

587

Cr K Milne
Cr C Cherry

RESOLVED that this item be deferred to the Planning Meeting to be held 6 December 2018.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.54pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm

SUSPENSION OF STANDING ORDERS

588

Cr K Milne
Cr P Allsop

RESOLVED that Standing Orders be suspended to deal with Items 19 to 35, with the exception of Items 24 (dealt with previously), 20 and 27.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

PROCEDURAL MOTIONS

589

Cr K Milne
Cr P Allsop

RESOLVED that Items 19 to 35 with the exception of Items 24 (dealt with previously), 20 and 27, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

590

Cr K Milne
Cr P Allsop

RESOLVED that Items 19 to 35 with the exception of Items 24 (dealt with previously), 20 and 27, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

19 [CNR-CM] Access and Inclusion Plan 2018-2021

591

Cr K Milne
Cr P Allsop

RESOLVED that Council adopts the Access and Inclusion Plan 2018-2021.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

21 [CNR-CM] RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms

592

**Cr K Milne
Cr P Allsop**

RESOLVED that in respect to Contract RFO2018120 Tweed Heads Civic Centre: Venue Management (Separable Portion A) and Cleaning Services (Separable Portion B) for the Auditorium, Library and Meeting Rooms:

1. Council awards the contract RFO2018120 to Elliot and Son Venue Management ABN 77 954 732 299 for the following rates (subject to annual CPI adjustments):

ITEM	DESCRIPTION	UNIT	RATE (GST EXCLUSIVE)
A.1	Venue Management Services	FORTNIGHT	\$1,572.73
B.1	Venue Cleaning Services	FORTNIGHT	\$1,524

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. The General Manager be granted delegated authority to approve up to 2 x 1 year contract extensions at the expiration of the initial 3 year contract term.
4. 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 J Owen**

22 [CNR-CM] RFO2018121 Murwillumbah Civic Centre - Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen

593

**Cr K Milne
Cr P Allsop**

RESOLVED that in respect to Contract RFO2018121 Murwillumbah Civic Centre: Venue Management and Cleaning Services for Auditorium and Canvas & Kettle Kitchen:

1. Council awards the contract RFO2018121 to Elliot and Son Venue Management ABN 77 954 732 299 for the following rates (subject to annual CPI adjustments):

ITEM	DESCRIPTION	UNIT	RATE (GST EXCLUSIVE)
A.1	Auditorium Venue Management Services	FORTNIGHT	\$1,572.73
A.2	Auditorium and Canvas & Kitchen Cleaning Services	FORTNIGHT	\$732.73
B.1	Canvas & Kettle Kitchen Venue Management Services (Payment to Council)	FORTNIGHT	\$49.09

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. The General Manager be granted delegated authority to approve up to 2 x 1 year contract extensions at the expiration of the initial 3 year contract term.
4. 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 J Owen

REPORTS FROM THE DIRECTOR ENGINEERING

23 [E-CM] Classification of Land as Operational - Rous River Way, Murwillumbah

594

Cr K Milne
Cr P Allsop

RESOLVED that Council approves the classification of Lots 602 and 627 in DP 1243648 as Operational Land, pursuant to Section 31 of the Local Government Act 1993.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

24 [E-CM] Road Closure - Wabba Road, Burringbar

This item was dealt with earlier in the meeting (Minute No 580 refers).

25 [E-CM] Classification of Land as Operational - Lot 604 DP 1244954 at Industry Central, South Murwillumbah

595

Cr K Milne
Cr P Allsop

RESOLVED that Council:

1. In accordance with Section 31 of the Local Government Act, 1993, classifies Lot 604 in DP 1244954 at Industry Central, South Murwillumbah as "Operational Land".
2. Approves the transfer of Lot 603 in DP 1244954 for drainage reserve.
3. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

26 [E-CM] RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising

596

Cr K Milne
Cr P Allsop

RESOLVED that Council considers an Addendum report for RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising.

This item was dealt with in conjunction with Addendum Item 38 (Minute No 597 refers)

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

38 [E-CM-ADDENDUM] RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam

597

Cr K Milne
Cr P Allsop

RESOLVED that in respect to RFO2018109 Expression of Interest for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising.

1. Council accepts the following three short listed applicants:
- 2.

Applicant	ABN
Cardno (Qld) Pty Ltd	57 051 074 992
Eco Logical Australia Pty Ltd	87 096 512 088
SMEC Australia Pty Ltd	47 065 475 149

2. The General Manager be granted delegated authority to approve an additional short listed applicant, based on rankings from the Expressions of Interest process in the event that one of three applicants withdraws from the process.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

28 [FRIT-CM] Tweed Shire Council Financial Statements 30 June 2018

598

Cr K Milne
Cr P Allsop

RESOLVED that Council adopts the 2017/2018 Statutory General Purpose and Special Purpose Financial Reports.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

29 [FRIT-CM] 2017/2018 Annual Report

599

Cr K Milne
Cr P Allsop

RESOLVED that Council adopts the Annual Report 2017/2018 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

30 [FRIT-CM] Corporate Quarterly Performance Report - 1 July to 30 September 2018

600

Cr K Milne
Cr P Allsop

RESOLVED that Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2018.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

31 [FRIT-CM] Quarterly Budget Review - September 2018

601

Cr K Milne
Cr P Allsop

RESOLVED that the:

1. Quarterly Budget Review Statement as at 30 September 2018 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2019.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	278,408	0
Materials & Contracts	15,182,447	0
Interest	0	0
Other Operating costs	0	150,000
Capital	45,488,016	0
Loan Repayments	0	0
Transfers to Reserves	525,338	0
	61,474,209	150,000
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	135,961	0
Capital Grants & Conts	0	6,805,904
User Charges & Fees	0	72,814
Other Operating Revenue	0	0
Loan Funds	0	1,152,622
Recoupments	0	1,553,281
Transfers from Reserves	0	51,875,549
Asset Sales	0	0
	135,961	61,460,170
Net Surplus/(Deficit)		0
	Deficit	Surplus
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	613,491	0
Interest	0	0
Other Operating costs	0	0
Capital	1,565,984	0
Loan Repayments	0	0
Transfers to Reserves	0	412,966
	2,179,475	412,966
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	65,330
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0

Description	Change to Vote	
	Deficit	Surplus
Loan Funds	0	0
Recoupments	0	215,869
Transfers from Reserves	0	1,485,310
Asset Sales	0	0
	0	1,766,509
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	168,485	0
Interest	0	0
Other Operating costs	0	0
Capital	3,022,205	0
Loan Repayments	0	0
Transfers to Reserves	0	340,086
	3,190,690	340,086
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	33,766	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	57,500
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	2,192,210
Transfers from Reserves	0	634,660
Asset Sales	0	0
	33,766	2,884,370
Net Surplus/(Deficit)		0

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

32 [FRIT-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 31 October 2018

602

Cr K Milne
Cr P Allsop

RESOLVED that Council considers the Addendum Monthly Investment and Section 94 Development Contribution Report for the Period Ending 31 October 2018.

The Motion was **Carried**

This item was dealt with in conjunction Addendum Item 39 (Minute No 603 refers)

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

39 [FRIT-CM-ADDENDUM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 October 2018

603

Cr K Milne

Cr P Allsop

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 October 2018 totalling \$327,589,981 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

33 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 October 2018

604

Cr K Milne

Cr P Allsop

RESOLVED that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 October 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

34 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2018

605

Cr K Milne
Cr P Allsop

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 18 October 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

35 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 23 October 2018

606

Cr K Milne
Cr P Allsop

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 23 October 2018 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

RESUMPTION OF STANDING ORDERS

607

**Cr P Allsop
Cr K Milne**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

15 [PR-CM] Rural Land Strategy for Adoption

608

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council defers this item to allow a Workshop to be scheduled to discuss further proposed amendments to the draft Rural Land Strategy with a further report to be brought back to Council and to consider a re-exhibition of the Strategy documents if required.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

16 [PR-CM] Submission to the Exhibition of the Draft Urban Design for Regional NSW

609

**Cr P Allsop
Cr W Polglase**

RESOLVED that the attached submission on the public exhibition of the Draft Urban Design guidelines for NSW is endorsed and submitted to the Department of Planning and Environment.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

Items 17 -19 were dealt with earlier in the meeting.

20 [CNR-CM] RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility

610

**Cr P Allsop
Cr R Byrnes**

RESOLVED that Council considers an Addendum report for RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility.

This item was dealt with in conjunction with Addendum Item 36 (Minute No 611 refers).

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

36 [CNR-CM-ADDENDUM] RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the Proposed Stotts Creek Organics Processing Facility

611

**Cr P Allsop
Cr R Byrnes**

RESOLVED that in respect to Contract RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility.

1. Council approves the following four (4) companies to progress to the next round of the Offer process, where detailed Offers will be invited, including a price submission. At the conclusion of the next phase of the Offer process, a report to Council will be provided including prices of each submission. The four (4) recommended companies are:

Company	ABN
REMONDIS Australia Pty Ltd	95 002 429 781
Solo Resource Recovery	62 398 515 816
Soilco Pty Ltd	85 055 303 243
Re.Group Pty Ltd	84 166 255 947

2. ATTACHMENTS 1 and 2 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 J Owen

Items 21 - 26 were dealt with earlier in the meeting.

27 [E-CM] Tweed Road Development Strategy Endorsement

612

Cr C Cherry
Cr K Milne

RESOLVED that item be deferred to the Council meeting of 6 December 2018.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

Items 28 - 35 were dealt with earlier in the meeting.

ADDENDUM ITEMS

- 36 [CNR-CM-ADDENDUM] RFO2018119 Expression of Interest (EOI) Design, Construction and Operation of the Proposed Stotts Creek Organics Processing Facility**

This item was dealt with in conjunction with Item 20 earlier in the meeting (Minute Nos 610 and 611 refer).

- 37 [CNR-CM-ADDENDUM] Aboriginal Statement of Commitment Policy**

This item was dealt with in conjunction with Item 18 earlier in the meeting (Minute Nos 578 and 579 refer).

38 [E-CM-ADDENDUM] RFO2018109 Expression of Interest (EOI) for Environmental Impact Statement (EIS) Clarrie Hall Dam Raising

This item was dealt with in conjunction with Item 26 earlier in the meeting (Minute Nos 596 and 597 refer).

39 [FRIT-CM-ADDENDUM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 October 2018

This item was dealt with in conjunction with Item 32 earlier in the meeting (Minute Nos 602 and 603 refer).

LATE ITEMS

40 [GM-CM-LATE] Tweed Hospital Location

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.

41 [PCG-CM-LATE] Meeting Dates for Planning Committee and Council - 1 July 2018 to 30 June 2019

LATE ITEM

613

**Cr K Milne
Cr C Cherry**

RESOLVED that Item 41 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

614

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Confirms the Council meeting for December 2018 will be held on Wednesday, 12 December 2018 as reflected in the below table; and
-

2. Adopts the amended venues for the Planning Committee meeting to be held on 6 December 2018 and the Council meeting to be held on 12 December 2018 as reflected in the below table.

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
5 July 2018	Tweed Heads	19 July 2018	Tweed Heads
2 August 2018	Murwillumbah	16 August 2018	Murwillumbah
6 September 2018	Tweed Heads	20 September 2018 %	Tweed Heads
4 October 2018	Murwillumbah	25 October 2018 ^	Murwillumbah
1 November 2018	Tweed Heads	15 November 2018	Tweed Heads
6 December 2018	Murwillumbah Tweed Heads	13 12 December 2018 #	Murwillumbah Tweed Heads
7 February 2019	Tweed Heads	21 February 2019	Tweed Heads
7 March 2019	Murwillumbah	21 March 2019	Murwillumbah
4 April 2019	Tweed Heads	17 April 2019 *	Tweed Heads
2 May 2019	Murwillumbah	16 May 2019	Murwillumbah
6 June 2019	Tweed Heads	20 June 2019	Tweed Heads

NOTE: % 20 September 2018 will include an Extraordinary Meeting for the election of the Mayor and Deputy Mayor.
 ^ 25 October 2018 to allow consideration of the Annual Financial Statements.
 # 13 December 2018 given proximity to Christmas Period may even be changed to Wednesday 12 December 2018.
 * Wednesday 17 April 2019 due to Easter Public Holidays being 19-22 April 2019 and Anzac Day falling on Thursday 25 April 2019.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

615

Cr K Milne
Cr P Allsop

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
ABSENT. DID NOT VOTE - Cr J Owen

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM-CON] Works at Lot 136 DP 755724 Boormans Road, Limpinwood

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.

C 87

That:

1. Council defers this item to seek the following further investigations and provide updated advice including on:
 - a) the North East Forest Alliance Audit report,
 - b) previous complaints to Council from the neighbours in the immediate vicinity,
 - c) further investigation of the recent activities in question and the history of logging on the property including:
 - i) interviews with the neighbouring complainants,
 - ii) more detailed historical aerial imagery if available,
 - iii) other relevant documents that may practically assist in establishing the extent of historical logging on the property, such as tax and transaction records of the parties involved including the transport and receiving parties.
 - iv) other relevant documents that may practically assist in establishing the extent of the recent level of logging activity in question on the property, such as tax and transaction records of the parties involved including the transport and receiving parties.
2. A further report be brought back to Council once these additional investigations and advice have been completed.

The Motion was Carried on the Casting Vote of the Mayor.

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

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Management of Chronic Acid Sulfate Soil Pollution, Christies Creek

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: -

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

C 88

That Council:

1. Supports the General Manager writing to Sunshine Sugar to express Council's concerns about the impact the current drain water quality is having on the environment of Christies and Cudgera Creeks and the amenity of Hastings Point, and request that Sunshine Sugar work cooperatively with Council and other stakeholders to resolve the Acid Sulfate Soil and water quality problem.
2. Supports the General Manager writing to the Minister for Environment and Minister for Primary Industries to seek NSW Government advice and assistance to resolve the Acid Sulfate Soil and water quality problem.
3. Seeks legal advice regarding Council's and NSW Government options to take action under the Protection of the Environment Operations Act and other relevant legislation, in relation to the pumping and discharge of contaminated water into Christies Creek.
4. Engages specialist expertise to report on the consequences of all available remediation options for the subject site including the effects of implementing an alternative land management/use approach.
5. Engages specialist expertise to report on the ecological health of Christies Creek, focusing on investigations that will determine if the creek's biota has been affected by water quality problems in the catchment.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

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

REASON FOR CONFIDENTIALITY:

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

Local Government Act

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

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

C 89

Cr W Polglase
Cr P Allsop

That Council:

1. Approves entering into a contract for the purchase of an area of 5,700 metres from 2009 Kyogle Road, Terragon comprised in Lot 28 in DP 1126031 for the amount agreed and determined by valuation.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

LATE ITEMS IN COMMITTEE

C4 [PR-CM-CON-LATE] Compliance Update DA05/0995 and DA16/0579, Mount Warning Spring Water, 2574 Kyogle Road, Kunghur

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence future proceedings.

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.

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.

C5 [PR-CM-CON-LATE] Compliance Update DA06/0603 at Lot 121 DP 1111869 No. 101 Bryens Road, Nobbys Creek

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence future proceedings.

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.

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.

C6 [PR-CM-CON-LATE] DA03/0445.03 Legal Advice after Land and Environment Court Judgement for No. 477 Urliup Road, Urliup

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence future proceedings.

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.

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.

C7 [E-CM-CON-LATE] Proposed Purchase of Land for Animal Pound

REASON FOR CONFIDENTIALITY:

This report considers the purchase of land which, if disclosed, could prejudice Council's negotiations.

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.

LATE ITEM

C 90

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

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

C 91

That Council:

1. Obtains a valuation report to determine the current market value of the land.
2. Approves the General Manager appointing a buyer's agent to enter into negotiations for the purchase of the land as noted in the body of the report.

The Motion was **Carried**

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

616

Cr K Milne
Cr P Allsop

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

There being no further business the Meeting terminated at 9.04pm.



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

Chairman