

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 16 May 2019

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at 5.30pm

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The Meeting commenced at 5.30pm.

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 Vince Connell (Director Planning and Regulation for the General Manager), Mrs Denise Galle (Team Leader - Development Assessment for Director Planning and Regulation), Mr Anthony Burnham (Manager Water and Wastewater for Director Engineering), Mr Andrew Illingworth (Acting Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Mr Steve Titman (Social Media & Digital Marketing), 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 by Council's Chaplain, Pastor John Harris, from the Hub Baptist Murwillumbah community.

Father God, as we live in a constantly changing world I thank you that You never change. You are perfect and constant - You never make a promise you don't keep; Your word is Your word; You say what You mean and mean what You say; You are the way, the truth and the life. Therefore, as we pray to You, we have confidence and trust in You - thank You.

So we pray especially for the Elections that are taking place in our nation. So often elections divide people as different parties' promise and counter-promise; accuse and counter-accuse; look for the biggest deficiency in the opposition parties and seek to woo the voter by almost any means. These things have no doubt already been happening. But I pray that rather than seeing each other as enemies there will be a real and genuine willingness to work and serve this nation together - for the good of this nation and not the good and popularity of any specific party. We recognize only You can do this.

You say in the Bible, "Pray for every political leader and representative, so that we would be able to live tranquil, undisturbed lives, as we worship the awe-inspiring God with pure hearts. It is pleasing to our Saviour-God to pray for them. He longs for everyone to embrace his life and return to the full knowledge of the truth." (1 Timothy 2:2-4)

And so we pray for our political leaders at every level:

We pray they have wisdom as they grapple with complex and difficult issue.

*We pray they know You leading them - that they will actually ask You to lead them.
We pray they have courage to do what is right and to turn away from evil.
We pray they serve the people with compassion, grace yet also justice as they fulfil their roles.*

We pray they see and witness Your power at work in their lives and we pray You watch over their families.

We pray these things for our nation and we pray them for our local community and leaders too.

Thank you that you hear and respond to these prayers.

We thank You in the wonderful name of Your Son, Jesus Christ, Amen.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary Meeting held 17 April 2019

182

**Cr C Cherry
Cr R Cooper**

RESOLVED that the Minutes of the Ordinary Council Meetings held Thursday 17 April 2019 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

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

183

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

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

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr J Owen declared a Non-Significant, Non-Pecuniary Interest in Item 14 [PR-CM] Air Traffic Pollution on this agenda. The nature of the interest is that Cr J Owen's employer has some dealings with one of the potential bidders.

Cr J Owen will manage the interest by leaving the Chamber and not voting on the matter.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 16 May 2019

The report on the Schedule of Outstanding Resolutions at 16 May 2019 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for April 2019

184

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of April 2019 be received and noted.
 2. Notes advice from Cr W Polglase that he will be absent from the Shire during the period 29 May to 29 June 2019.
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The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions at 16 May 2019

There were no petitions to be received or noted at 16 May 2019.

SUSPENSION OF STANDING ORDERS

185

Cr K Milne
Cr P Allsop

RESOLVED that Standing Orders be suspended to deal with Items 7, 10, 11 and 15 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [NOM-Cr K Milne] Dulguigan Road - Heavy Vehicle Route Assessment Report

ALTERNATE MOTION

186

Cr K Milne
Cr C Cherry

RESOLVED that Council:

1. Provides the 'Dulguigan Rd Heavy Vehicle Route Assessment Report' to the existing heavy vehicle permit holders using Dulguigan Road.
2. Invites the existing permit holders to a meeting to discuss safety measures that could be implemented to enable permits to be reissued.
3. Requests the consultant review the Tumbulgum Community Association's response to the report, as well as the comments from the heavy vehicle operators, and provide a response to the issues raised.

4. Seeks legal advice on Council's responsibilities and options in regard to the Dulguigan Road Heavy Vehicle Route Assessment Report.
5. Provides a report to Council on the estimated cost of the recommended measures and an estimated time frame for the works.
6. Brings forward a report on a cost estimate for the alternate route proposed by the Tumbulgum Community Association.

The Motion was **Carried**

FOR VOTE - Unanimous

- 10 [PR-CM] Update on Water Extraction Matters relating to Eniflat Pty Ltd Water Extraction, 477 Urliup Road, Urliup, Mt Warning Spring Water at Lot 1 DP 883113 No. 2574 Kyogle Road, Kunghur, Rosehill Estate at No. 101 Bryens Road, Nobbys Creek, 10-20 Edwards**

ALTERNATE MOTION

187

**Cr K Milne
Cr R Cooper**

RESOLVED that Council:

1. In regard to the four penalty infringement notices issued to Mt Warning Spring Water at Lot 1 DP 883113 No. 2574 Kyogle Road, Kunghur on 5 April 2019 advise NSW Revenue that two of the four penalty infringement notices issued to Shaun Martin stand and the other two penalty infringement notices issued to Irene Martin are withdrawn given her lack of involvement in the water extraction business at the site as follows:
 - a. Penalty Infringement Notice 3120783683 – BE WITHDRAWN - Mr Shaun Martin \$3000 PIN – breach of condition 2A for DA05/0995 as large trucks have been accessing the site for water extraction where the Statement of Environmental Effects (SEE) specifies only a small truck is to be used;
 - b. Penalty Infringement Notice 3120783692 – BE WITHDRAWN and Council take no further action on this PIN - Mrs Irene Martin \$3000 PIN – breach of condition 2A for DA05/0995 as large trucks have been accessing the site for water extraction where the Statement of Environmental Effects (SEE) specifies only a small truck is to be used;
 - c. Penalty Infringement Notice 3120783701 – BE WITHDRAWN - Mr Shaun Martin \$3000 PIN – breach of condition 3A for DA05/0995 as daily truck movements have exceeded 8 trips per day (4 loads) on at least five occasions between 17 November 2017 and 21 November 2017; and

- d. Penalty Infringement Notice 3120783710 – BE WITHDRAWN and Council take no further action on this PIN - Mrs Irene Martin \$3000 PIN – breach of condition 3A for DA05/0995 as daily truck movements have exceeded 8 trips per day (4 loads) on at least five occasions between 17 November 2017 and 21 November 2017.
2. In regard to the Mt Warning Spring Water at Lot 1 DP 883113 No. 2574 Kyogle Road, Kunghur issue two new Penalty Infringement Notices to the Director of Mount Warning Spring Water (Mr Shaun Martin) as follows:
 - a. A NEW Penalty Infringement Notice – Mount Warning Spring Water (Mr Shaun Martin) \$6000 PIN – breach of condition 2A for DA05/0995 as large trucks have been accessing the site for water extraction where the Statement of Environmental Effects (SEE) specifies only a small truck is to be used.
 - b. A NEW Penalty Infringement Notice - Mount Warning Spring Water (Mr Shaun Martin) \$6000 PIN – breach of condition 3A for DA05/0995 as daily truck movements have exceeded 8 trips per day (4 loads) on at least five occasions between 17 November 2017 and 21 November 2017.
3. In regard to ongoing compliance monitoring at Mt Warning Spring Water at Lot 1 DP 883113 No. 2574 Kyogle Road, Kunghur pursue the NSW Office of Water and any sub branches of the state agency for any and all water extraction volume figures from 2005 – 2019 and issue penalty infringement notices (if statutorily valid) for any breaches to the permissible development consent extraction volume of 3ML till 2016 and 50ML between 2016 and 2019;
4. In regard to ongoing compliance monitoring at Rosehill Estate at No. 101 Bryen’s Road, Nobby’s Creek pursue the NSW Office of Water and any sub branches of the state agency for any and all water extraction volume figures from 2006 – 2019 and issue penalty infringement notices (if statutorily valid) for any breaches to the permissible development consent extraction volume of 12ML;
5. Receives and notes the Tweed Water Alliance Second Report titled “Still Lawless – Council Fails to Bring Lawless Industry under Control” received 23 April 2019 and invite Tweed Water Alliance to meet with Council staff so that staff can review any and all evidence that Tweed Water Alliance have to determine if any additional admissible evidence exists in regard to any breaches to existing water extraction development consents based on Council’s adopted interpretation of those consents to date; and
6. Provides copies of the two Tweed Water Alliance Reports with all accompanying photographic evidence relevant to Mt Warning Spring Water to Shaun Martin as requested in the NSW Revenue review documentation.

The Motion was **Carried**

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

11 [PR-CM] Development Application DA13/0124.02 for an Amendment to Development Consent DA13/0124 Seven Townhouses at Lot 4 DP 801038 No. 18-20 Cupania Court, Tweed Heads West

188

**Cr P Allsop
Cr W Polglase**

RESOLVED that Development Application DA13/0124.02 for an amendment to Development Consent DA13/0124 seven townhouses at Lot 4 DP 801038 No. 18-20 Cupania Court, Tweed Heads West be approved subject to the following modified conditions:

1. Delete Condition No. 1 and replace with Condition No. 1A which reads as follows:

1A. The development shall be carried out in two stages as follows:

- Stage 1
Driveway crossover, partial driveway and associated works as identified as Stage 1 on Staging Plan, and
- Stage 2
Construction of seven townhouses and all remaining associated works as identified as Stage 2 on Staging Plan.

The development shall be completed in accordance with the Statement of Environmental Effects and Approved Plans under Schedule A of this consent, and Staging Plan (No. 3 – dated 16 April 2014) prepared by Planit Consulting, except where varied by the conditions of this consent.

[GEN0005]

2. Delete Condition No. 22 and replace it with Condition No. 22A which reads as follows:

22A. Permanent stormwater quality treatment for Stage 1 and Stage 2 shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) It is encouraged that the stormwater and site works incorporate Water Sensitive Design Principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:

- (i) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any site works being undertaken.
- (ii) Runoff from all hardstand areas, (including driveway and hardstand landscaping areas and excluding roof areas) must be treated to remove oils, sediments and gross pollutants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- (iii) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

3. Delete Condition No. 26 and replace it with Condition No. 26A which reads as follows:

26A. Prior to the issue of a Construction Certificate for Stage 1 and Stage 2, the Applicant must submit to (and receive approval from) the PCA, a detailed report from a suitably qualified Geotechnical/Structural Engineering confirming that the proposed development (including the protective wall along the northern property boundary):

- (a) will provide geotechnical stability to the proposed development,
- (b) will prevent any upslope advancement of any down-slope (off-site) slip failures and detail amelioration measure should a down-slope failure occur (including access requirements),
- (c) will not jeopardise the geotechnical stability or structural integrity of neighbouring property, including the existing Boulder Retaining Wall to the south,
- (d) complies with applicable Australian Standards (AS 4678-2002) and the provisions of Council's Design Specification D6 - *Site Regrading*.

[PCCNS01]

4. Delete Condition No. 31 and replace it with Condition No. 31A which reads as follows:

31A. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work for Stage 1 and Stage 2 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]

5. Delete Condition No. 80 and replace it with Condition No. 80A which reads as follows:

80A. On completion of work for Stage 1 and Stage 2 a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of all retaining structures.

[POC0805]

6. Delete Condition No. 82 and replace it with Condition No. 82A which reads as follows:

82A. Prior to the issue of an occupation certificate for Stage 1 and Stage 2, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

7. Delete Condition No. 86 and replace it with Condition No. 86A which reads as follows:

86A. Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2 a certificate prepared by a qualified Geotechnical Engineer is to be provided to the PCA confirming that works have been undertaken in accordance with the recommendations of the endorsed Geotechnical Engineering's report and that the development is geotechnically stable and does not jeopardise the geotechnical stability or structural integrity of any neighbouring property.

[POCNS03]

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Pottsville and District Men's Shed

189

Cr W Polglase
Cr J Owen

RESOLVED that Council, pursuant to section 372 of the Local Government Act 1993 ('Act'), alters the resolution passed at its ordinary meeting held on 17 April 2017 in relation to item 14 titled '[CNR-CM] Pottsville and District Men's Shed - Licence Request' to read as follow:

"That Council,

1. ***In accordance with sections 46 and 47 of the Local Government Act 1993 and the Tweed Shire Council Generic Plan of Management for Community Land Categorised as a Sportsground, and Crown Land used as a Sportsground, May 2012 ('Plan of Management'):***
 - i) ***Publicly notify and exhibit a proposal to grant to Pottsville and District Men's Shed Inc. ('Men's Shed') a licence of land, being the land to which the Licence Agreement between the Council and the Men's Shed dated 30 March 2017 applies, for a period of 5 years commencing on 30 March 2022 with an option to renew for a further period of 5 years exercisable by the licensee ('Licence').***
 - ii) ***Before granting the Licence, consider a further report concerning public submissions received in relation to the public notification of the proposal and further consider whether the Minister's consent is required in order to grant the Licence.***
2. ***Includes consideration of a request for an extension of the Licence area when developing a master plan for the Black Rocks Sports Field, which will be incorporated into the Plan of Management.***
3. ***Develops the master plan prior to the conclusion of the 2019 calendar year."***

The Motion was **Carried**

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

RESUMPTION OF STANDING ORDERS

190

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

6 [NOM-Cr K Milne] Single Use Plastic

ALTERNATE MOTION

191

Cr K Milne
Cr C Cherry

RESOLVED this Motion on Single Use Plastic be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [NOM-Cr K Milne] Dulguigan Road - Heavy Vehicle Route Assessment Report

This item was dealt with earlier in the meeting. (Minute No 186 refers).

8 [NOM-Cr C Cherry] Rural Land Strategy

ALTERNATE MOTION

192

Cr C Cherry
Cr K Milne

PROPOSED that:

1. Council writes a letter to be included in the 2019 rates notice mail out for all landowners in the Shire, informing them about the proposed actions of the Rural Land Strategy.
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2. The letter to be written in 'Plain English' and to include the following:
 - a) A summary of the issues currently facing rural landowners;
 - b) A summary of the importance of rural lands;
 - c) A summary of the 145 actions proposed in the draft Rural Land Strategy grouped in general areas and arguments for and against;
 - d) An invitation to provide feedback on any of these proposals by an agreed date; and
 - e) An option to provide the best contact details for future consultation on rural issues if they would like to be informed.

The Motion was **Lost**

FOR VOTE - Cr C Cherry, Cr K Milne

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

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 9 **[GM-CM] Design Consultancy Services Request For Offer (RFO) For Concept Design Work: Tweed Council's Smart Sustainable Housing Concept Proposal.**

ALTERNATE MOTION

193

**Cr R Cooper
Cr R Byrnes**

RESOLVED that for the reasons stated in this report Council:

- a) Increases the budget allocation to match the market value of the project consultancy plus a 10% contingency.
 - b) Awards the Smart Sustainable Housing Concept Design contract to Deicke Richards (ABN 79 050 405 135) for an offered lump sum amount of \$80,476 (inclusive of GST).
 - c) Having received solicited advice from the Office of Local Government through the Office of the General Manager, regarding the project generally and in particular the
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procurement process surrounding the Request for Offer (RFO), it would be prudent for Council to appoint an independent probity advisor for the life of the project, as advised. The cost of the appointment would be in addition to the cost of the project design consultancy.

- (d) Any increase in costing incurred in this concept stage will be factored into rent/return on investment so ultimately the monies are recovered within the timeframe of the business management plan.
- (e) Invites a representative(s) from Deicke Richards to conduct a workshop on the project.

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.10pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.55pm

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 10 [PR-CM] Update on Water Extraction Matters relating to Eniflat Pty Ltd Water Extraction, 477 Urliup Road, Urliup, Mt Warning Spring Water at Lot 1 DP 883113 No. 2574 Kyogle Road, Kunghur, Rosehill Estate at No. 101 Bryens Road, Nobbys Creek, 10-20 Edwards Road, Kynnumboon and the Proposed Dawes Extraction at No. 298 Dungay Creek Road, Dungay**

This item was dealt with earlier in the meeting. (Minute No 187 refers).

- 11 [PR-CM] Development Application DA13/0124.02 for an Amendment to Development Consent DA13/0124 Seven Townhouses at Lot 4 DP 801038 No. 18-20 Cupania Court, Tweed Heads West**

This item was dealt with earlier in the meeting. (Minute No 188 refers).

PROCEDURAL MOTIONS

194

Cr K Milne
Cr C Cherry

RESOLVED that the remaining Items on the Ordinary Agenda, with the exception of Items 12, 14, 17, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

195

Cr K Milne
Cr C Cherry

RESOLVED that the remaining Items on the Ordinary Agenda, with the exception of Item 12, 14, 17, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [PR-CM] Development Application DA15/0354.02 for an Amendment to Development Consent DA15/0354 for Change of Use to Recreation Facility (Indoor), Fitout and Associated Signage (5 Signs) at Lot 7 DP 785566 No. 20-26 Greenway Drive, Tweed Heads South

196

Cr W Polglase
Cr P Allsop

PROPOSED that Development Application DA15/0354.02 for an amendment to Development Consent DA15/0354 for change of use to recreation facility (indoor), fitout and associated signage (5 signs) at Lot 7 DP 785566 No. 20-26 Greenway Drive, Tweed Heads South be approved subject to the following conditions being amended:

1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:
 - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as listed below, as amended in red, except where varied by the conditions of this consent:
 - Proposed Site Plan, Project Number SD18-1124, Drawing Number A.01.1, Revision 01, dated 18/01/2019 and prepared by Superdraft;

- Proposed Ground Floor Plan, Project Number SD18-1124, Drawing Number A.02.1, Revision 01, received by Council 22/03/2019 and prepared by Superdraft; and
 - Proposed Elevations, Project Number SD18-1124, Drawing Number A.03.1, Revision 01, dated 18/01/2019 and prepared by Superdraft.
2. Delete Condition No. 3.
 3. Insert new Condition No. 5.1 which reads as follows:
 - 5.1 The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for Proposed Conversion of Bulky Goods Building to Gym (20 December 2018 crgref: 18174 report Rev 1), Alteration to Door Access Proposed Fitness Centre (22 March 2019 CRGref: 17140 Letter 22_03_19), and Alteration To Door Access Proposed Fitness Centre (30 April 2019 CRGref: 17140 Letter 30_04_19) for 20-26 Greenway Drive, Tweed Heads South prepared by CRG Acoustics Pty Ltd or to the satisfaction of Council's General Manager or delegate.
 4. Delete Condition No. 6.
 5. Delete Condition No. 7.
 6. Delete Condition No. 33 and replace it with new Condition No. 8.1 which reads as follows:

8.1. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council, or Section 7.11 Contributions are in accordance with the provisions of a deferred payment arrangement between the applicant and Council.

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

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

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

- | | |
|-----------------------------------|--------------|
| (a) Tweed Road Contribution Plan: | |
| 259.27 Trips @ \$1489 per Trips | \$173,723.85 |

(\$1,318 base rate + \$171 indexation)
(\$57,907.95 has been subtracted from this total as this development is deemed an 'Eligible Business Enterprise')
(\$154,421.20 has been subtracted from this total as this development is deemed an 'Employment Generating Development')
CP Plan No. 4
Sector2_4

7. Delete Condition No. 34 and replace it with new Condition No. 34A which reads as follows:

34A. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: NIL (to be confirmed on application)
Sewer: NIL (to be confirmed on application)

8. Insert new Condition No. 35.1 which reads as follows:

35.1 A Building Information Certificate is to be obtained from Tweed Shire Council prior to the issue of an Occupation Certificate in respect of the recently erected inter-tenancy wall. The related application is to include certification from a suitably qualified building practitioner demonstrating the subject wall achieves a minimum fire resistance level of 90/90/90 as prescribed in Specification C1.1 of BCA - 2019 for a fire wall for Type C Construction.

9. Delete Condition No. 38 and replace it with new Condition No. 38A which reads as follows:

38A. Hours of operation of the gym are restricted to the following hours subject to the issue of the Occupation Certificate:

* 24 hours - Monday to Sunday

or other hours as approved by Council's General Manager or delegate.

AMENDMENT 1

197

Cr C Cherry
Cr K Milne

RESOLVED that Development Application DA15/0354.02 for an amendment to Development Consent DA15/0354 for change of use to recreation facility (indoor), fitout and associated signage (5 signs) at Lot 7 DP 785566 No. 20-26 Greenway Drive, Tweed Heads South be approved subject to the following conditions being amended:

2. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:
 - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as listed below, as amended in red, except where varied by the conditions of this consent:
 - Proposed Site Plan, Project Number SD18-1124, Drawing Number A.01.1, Revision 01, dated 18/01/2019 and prepared by Superdraft;
 - Proposed Ground Floor Plan, Project Number SD18-1124, Drawing Number A.02.1, Revision 01, received by Council 22/03/2019 and prepared by Superdraft; and
 - Proposed Elevations, Project Number SD18-1124, Drawing Number A.03.1, Revision 01, dated 18/01/2019 and prepared by Superdraft.
2. Delete Condition No. 3.
3. Insert new Condition No. 5.1 which reads as follows:
 - 5.1 The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for Proposed Conversion of Bulky Goods Building to Gym (20 December 2018 crgref: 18174 report Rev 1), Alteration to Door Access Proposed Fitness Centre (22 March 2019 CRGref: 17140 Letter 22_03_19), and Alteration To Door Access Proposed Fitness Centre (30 April 2019 CRGref: 17140 Letter 30_04_19) for 20-26 Greenway Drive, Tweed Heads South prepared by CRG Acoustics Pty Ltd or to the satisfaction of Council's General Manager or delegate.
4. Delete Condition No. 6.
5. Delete Condition No. 7.
6. Delete Condition No. 33 and replace it with new Condition No. 8.1 which reads as follows:
 - 8.1. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council, or Section 7.11 Contributions are in accordance with the provisions of a deferred payment arrangement between the applicant and Council.

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

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

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

- (a) Tweed Road Contribution Plan:
- | | |
|---------------------------------|--------------|
| 259.27 Trips @ \$1489 per Trips | \$173,723.85 |
|---------------------------------|--------------|
- (\$1,318 base rate + \$171 indexation)
(\$57,907.95 has been subtracted from this total as this development is deemed an 'Eligible Business Enterprise')
(\$154,421.20 has been subtracted from this total as this development is deemed an 'Employment Generating Development')
CP Plan No. 4
Sector2_4

7. Delete Condition No. 34 and replace it with new Condition No. 34A which reads as follows:

34A. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: NIL (to be confirmed on application)
Sewer: NIL (to be confirmed on application)

8. Insert new Condition No. 35.1 which reads as follows:

35.1 A Building Information Certificate is to be obtained from Tweed Shire Council prior to the issue of an Occupation Certificate in respect of the recently erected inter-tenancy wall. The related application is to include certification from a suitably qualified building practitioner demonstrating the subject wall achieves a minimum fire resistance level of 90/90/90 as prescribed in Specification C1.1 of BCA - 2019 for a fire wall for Type C Construction.

9. Delete Condition No. 38 and replace it with new Condition No. 38A which reads as follows:

38A. Hours of operation of the gym are restricted to the following hours for a trial period of six (6) months from the date of the Occupation Certificate being issued:

* 24 hours - Monday to Sunday

Any requests to vary this condition (via a formal Section 4.55 application) must be lodged at least two (2) months prior to the expiry of the six (6) month period.

Following the trial period and where no Section 4.55 application has been granted, the hours of operation of the gym are restricted to the following hours:

* 5.00am to 10.00pm - Monday to Sunday

or other hours as approved by Council's General Manager or delegate.

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 197 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

13 [PR-CM] Development Application DA19/0033 for the Use of Existing Shipping Container as a Garden Shed at Lot 40 DP 792238 No. 4 Market Parade, Terranora

198

Cr K Milne

Cr C Cherry

RESOLVED that Development Application DA19/0033 for the use of existing shipping container as a garden shed at Lot 40 DP 792238 No. 4 Market Parade, Terranora be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent. [GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. [GEN0300]
4. All existing trees within the road reserve are to be retained and protected during construction. Where existing trees within the road reserve cannot be adequately retained and protected, approval from Council's General Manager or their delegate is required to remove street trees and they are to be replaced with a similar species in a 45L pot in accordance with Council's Development Design Specification D14.08.03C Tree Planting and Location (for distances away from infrastructure such as light poles and driveways) and Standard Drawing 'Tree and Shrub Planting Details' Dwg. No. SD701 (including the installation of root barrier) to the satisfaction of Council's General Manager or their delegate. [GEN0355]
5. Within 30 days of the approval, the applicant is to submit the following to Council:
 - An application for a Building Information Certificate.
 - A certificate from a suitably qualified surveyor certifying that the shipping container is setback a minimum distance of 15m from the front boundary, as per the approved plan.
 - An updated landscaping plan which demonstrates landscaped planting immediately forward of the proposed screening fence, in addition to the already proposed landscaping. [GENNS01]
6. The shipping contained is to be painted to match the existing dwelling. [GENNS02]

DURING CONSTRUCTION

7. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974. [DUR0025]
8. 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]

9. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.
[DUR0245]
10. 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]
11. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.
[DUR0405]
12. 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]
13. All landscaping is to comply with the 88B Instrument pertaining to the site.
[DUR1055]
14. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
[DUR1875]
15. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.[DUR2485]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

16. 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]
17. 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]
18. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.
[POC0475]

USE

19. The use of the shipping container is to be for storage purposes only.
[USENS01]

The Motion was **Carried**

FOR VOTE - Unanimous

14 [PR-CM] Air Traffic Pollution

DECLARATION OF INTEREST

Cr J Owen declared a Non-Significant, Non-Pecuniary Interest in this item. The nature of the interest is that Cr J Owen's employer has some dealings with one of the potential bidders.

Cr J Owen advises that he will manage the interest by leaving the Chamber and taking no part in voting on the matter.

Cr J Owen temporarily left the meeting at 08:11 PM.

199

**Cr P Allsop
Cr K Milne**

RESOLVED that Council:

1. Purchases 10 PurpleAir PA-II Dual Laser Air Quality Sensors for community air quality monitoring of particulates and set these up at homes, businesses and Council premises to gather indicative data and raise awareness of the air quality issues in the Tweed Shire;
2. Participates in the air quality monitoring exercise being conducted by Gold Coast Airport and report results and recommendations back to Council when available;

3. Regularly reviews the data from the Queensland Department of Environment and Science air monitoring station at Southport High School and obtain advice from the Queensland Department of Environment and Science should air quality standards not be complied with;
4. Continues to seek the expansion of the NSW EPA Air Quality Network to include a site within the Tweed Shire;
5. Continues to research options for suitable low cost portable air quality monitoring equipment; and
6. Where the Aeroqual AQM 60 air monitoring station is offered to Council by NSW Environment Protection Authority at no cost, determines the set up and maintenance costs and staff expertise needed to operate the system within the Tweed Shire.

The Motion was **Carried**

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

ABSENT. DID NOT VOTE - Cr J Owen

Cr J Owen returned from temporary absence at 08:12 PM

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

15 [CNR-CM] Pottsville and District Men's Shed

This item was dealt with earlier in the meeting. (Minute No 189 refers).

16 [CNR-CM] Draft Jack Evans Boat Harbour Plan of Management

200

**Cr K Milne
Cr C Cherry**

RESOLVED that Council defers the Jack Evans Boat Harbour Plan of Management until after the scheduled meeting with NSW Department of Industry – Crown Lands regarding rationalising land tenure of the Precinct.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Ongoing Operations of the Salvage Centre (Tip Shop) at the Stotts Creek Resource Recovery Centre

ALTERNATE MOTION

201

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Defers this item for a Workshop.
2. Continues to utilise the services of St Vincent de Paul for the management of the tip shop in the interim period.

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***

18 [CNR-CM] RFO2018091 Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility

202

**Cr K Milne
Cr C Cherry**

RESOLVED that, in respect to Contract RFO2018091 for the Design, Construction and Operation of the proposed Stotts Creek Organics Processing Facility:

1. Council accepts the offer from Soilco Pty Ltd, ABN 85 055 303 243 for the amount of \$89.00 per tonne (exclusive of GST) resulting in an annual estimated cost of \$1,157,000 (exclusive of GST) for the period of the contract being 10 years with the option for one five year extension at Council's discretion.
 2. Council provides capital funding of \$7 million for the design and construction of the FOGO processing facility, funded from \$4.9 million of existing Waste Management Reserves and \$2.1 million of NSW Government Grant Funding.
 3. 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.
 4. 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.
-

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

19 [E-CM] Water and Wastewater Renewable Energy

203

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Notes the status of Water and Wastewater Phase 1 Renewable Energy Action Plan works.
2. Allocates a budget of \$880,000 for delivery of proposed Banora Point WWTP 604kW Solar PV system for delivery in 2019/20.
3. Seeks energy procurement advice to investigate opportunities to reduce the carbon footprint of Council operations and increase renewable energy generation within the next round of electricity supply contracts.
4. 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 - Unanimous

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

204

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council, in accordance with section 128 of the *Roads Act 1993 (NSW)*, approves the granting of a permit to the applicant for a public gate across the council road reserve adjoining Lot 103 in DP1061154, Marshall Street, Uki.

2. Council writes to the applicant to inform them that the permit is granted to them on the condition that the structure has a notice attached to both sides bearing the words "PUBLIC GATE" in letters at least 75mm high, and ensures that all structures and the notice are maintained in good condition.
3. All necessary documentation be signed by the General Manager in accordance with his delegations.

The Motion was **Carried**

FOR VOTE - Unanimous

21 **[E-CM] Classification of Land as Operational - Lot 1 on DP216360 Mahers Lane, Terranora**

205

**Cr K Milne
Cr C Cherry**

RESOLVED that Council, in accordance with section 31 of the Local Government Act 1993 (NSW), classifies Lot 1 DP 1250101, 22 Mahers Lane, Terranora as "Operational Land".

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

22 **[FRIT-CM] Corporate Quarterly Performance Report as at 31 March 2019**

206

**Cr K Milne
Cr C Cherry**

RESOLVED that Council receives and notes the Corporate Quarterly Performance Report as at 31 March 2019.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [FRIT-CM] Quarterly Budget Review March 2019

207

Cr K Milne
Cr C Cherry

RESOLVED that the:

1. Quarterly Budget Review Statement as at 31 March 2019 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2019.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	0	130,186
Materials & Contracts	367,870	0
Interest	0	0
Other Operating costs	0	0
Capital	0	2,202,773
Loan Repayments	0	0
Transfers to Reserves	1,570,560	0
	1,938,430	2,332,959
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	208,341
Capital Grants & Conts	0	27,708
User Charges & Fees	51,517	0
Other Operating Revenue	0	252,500
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	41,800	0
Asset Sales	789,761	0
	883,078	488,549
Net Surplus/(Deficit)		0
	Deficit	Surplus
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	679,181
Interest	0	0
Other Operating costs	0	0
Capital	95,000	0
Loan Repayments	0	0
Transfers to Reserves	644,181	0
	739,181	679,181

Description	Change to Vote	
	Deficit	Surplus
<u>Income</u>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	37,800
Transfers from Reserves	0	22,200
Asset Sales	0	0
	0	60,000
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	228,206
Interest	0	0
Other Operating costs	0	0
Capital	0	488,254
Loan Repayments	0	0
Transfers to Reserves	803,954	0
	803,954	716,460
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	21,494
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	66,000
Asset Sales	0	0
	0	87,494
Net Surplus/(Deficit)		0

The Motion was **Carried**

FOR VOTE - Unanimous

24 [FRIT-CM] Monthly Investment Report for period ending 30 April 2019

208

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 April 2019 totalling \$335,083,766 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

25 [PCG-CM] Mayor and Councillors Annual Fees 2019/2020

209

Cr <Right Click> Name

Cr <Right Click> Name

RESOLVED that the fees payable for the Mayor and Councillors for the 2019/2010 financial period be the maximum fees payable to members of the Regional Rural category council as determined by the Local Government Tribunal, being:

Mayor	\$44,250
Councillor	\$20,280

It is noted that the Mayoral fee is payable in addition to the fee paid to the Mayor as a Councillor in accordance with section 249(2) of the Local Government Act 1993 (NSW) which collectively equates to a maximum annual amount of \$64,530.

The Motion was **Carried**

FOR VOTE - Unanimous

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

26 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 13 February 2019

210

Cr K Milne

Cr C Cherry

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 19 March 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [SUB-TCKM] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 19 March 2019

211

**Cr K Milne
Cr C Cherry**

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 19 March 2019 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ADDENDUM ITEMS

Nil.

LATE ITEMS

Nil.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

212

**Cr K Milne
Cr J Owen**

RESOLVED that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

FOR VOTE - Unanimous

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] DA12/0083 Husk Distillery - Business Investment Policy

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 50

That Council;

1. Enters into an agreement with Husk Enterprises Pty Ltd (ABN 84 083 276 680) to pay the outstanding Tweed Roads Contributions Charges resulting from Development Application 12/0083 in accordance with the contribution plan set out within the report.
2. Enters into a general security deed with Husk Enterprises Pty Ltd (ABN 84 083 276 680) as security for the outstanding Tweed Roads Contributions Charges resulting from Development Application 12/0083.
3. Endorses all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Extending the Waste Collections Contract (RFO2016040) with Solo Resource Recovery

REASON FOR CONFIDENTIALITY:

This report is confidential as it involves information relating to a current contract of Council, and includes legal opinions and financial information that are commercial in nature.

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (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 51

That:

1. Council, as per the requirement of s55(3)(i) of the *Local Government Act 1993*, resolves on the basis of extenuating circumstances not to go to tender at this time for a new contract for the collection of waste including the processing of recyclables.
2. The General Manager be delegated authority to negotiate with Solo Resource Recovery to extend the current waste collection services contract (RFO2016040) for a maximum term of an additional two years up until 30 June 2022.
3. A further report be prepared for Council detailing the outcome of those negotiations.

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 52

That Council:

1. Adopts the Water Supply and Sewerage Development Servicing Plans - April 2019, which apply single uniform shire wide Developer Charges for the amounts of:
 - a. Water Supply \$11,091 per Equivalent Tenement
 - b. Sewerage \$ 7,173 per Equivalent Tenement

in the 2019/20 financial year. These charges will be increased each year by the relevant Government index for the life of the Development Servicing Plans.
2. Amends the 2019/20 Fees and Charges accordingly.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY IN COMMITTEE

C4 [FRIT-CM] Transactional Banking Services Tender

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

C 53

That

1. Council accepts the Commonwealth Bank's contract for supply of transactional banking services for a term of five (5) years commencing 1 July 2019 to 30 June 2024.
2. Contract documents be executed under the Common Seal of Council.
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 - Unanimous

LATE ITEMS IN COMMITTEE

LATE REPORT FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C5 LATE [PR-CM] Follow Up to Legal Advice on Development Application DA04/0162.03 for an Amendment to Development Consent DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains legal advice.

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.

ALTERNATE MOTION

C 55

That Council, in regard to the Penalty Infringement Notices for DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan:

1. Seeks legal confirmation on whether the two year limitation period applies in regards to Section 9.58 of the Environmental Planning and Assessment Act 1979.

2. If the two year limitation period does apply uphold the existing Penalty Infringement Notice for the 2015/2016 year and withdraw the Penalty Infringement Notice for the 2016/2017 year.
3. If the two year limitation period does not apply Council will undertake the following:
 - a) Withdraws:
 - i) Penalty A - Penalty Infringement Notice No. 3120783674 for \$6000.00 to Hy-Tec Industries (QLD) for the 2015/2016 year; and
 - ii) Penalty B - Penalty Infringement Notice No. 3120783665 for \$6000.00 to Hy-Tec Industries (QLD) for the 2016/2017 year.
 - b) Issues:
 - i) A Penalty Infringement Notice for \$6000.00 to Hy-Tec Industries (QLD) for the 2015/2016 year; and
 - ii) A Penalty Infringement Notice for \$6000.00 to Hy-Tec Industries (QLD) for the 2016/2017 year.

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

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Cr K Milne
Cr P Allsop

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.48pm.



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

Chairman