

## **Ordinary Council Meeting**

**Thursday, 19 November 2020 at 5:30 PM**

**Harvard Room,  
Tweed Heads Administration Building, Brett Street,  
Tweed Heads**

**Meeting is also being held remotely via Livestream.**

### **Unconfirmed Minutes**

#### **1 IN ATTENDANCE**

The meeting commenced at 5.30pm

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

Also present were Mr Troy Green (General Manager), Mr Warren Van Wyk (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Sustainable Communities and Environment), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Maree Morgan (Minutes Secretary).

#### **2 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."*

#### **3 PRAYER**

The meeting opened with a Prayer read by Reverend Michael Boyd from the Presbyterian Church, Tweed Heads.

*"Gracious God,*

*As we near the end of an incredibly difficult year we thank you that Council's work has continued and overcome many challenges.*

*We pray for the many volunteers who will serve our community over summer, including Surf Life Savers, Rural Fire Service, State Emergency Service and many others. Please grant them a safe and quiet summer.*

*Help us to find safe ways to connect with one another over the Christmas/New Year period and strengthen our sense of community.*

*We are grateful for the opportunities to take part in NAIDOC celebrations last week, and for the vital role Aboriginal and Torres Strait Islander peoples have in our Shire. Grant Council, both elected and staff, resilience and joy as they work towards completing the year and taking well-earned breaks.*

*We pray this in the name of Jesus, Amen."*

#### **4 APOLOGIES**

Nil.

#### **5 CONFIRMATION OF MINUTES**

##### **5.1. Confirmation of Minutes of Extraordinary Council meeting held 15 October 2020 and Council meetings held 22 October and 5 November 2020**

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Pryce Allsop**

**RESOLVED** that Council adopts as a true and accurate record of the proceedings of the following:

1. Minutes of the Extraordinary Council Meeting held Thursday 15 October 2020.
2. Minutes of the Ordinary Council Meeting held Thursday 22 October 2020.
3. Minutes of the Ordinary Council Meeting held Thursday 5 November 2020.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

#### **6 DISCLOSURE OF INTERESTS**

Nil.

**7 ITEMS TO BE MOVED FROM CONFIDENTIAL TO ORDINARY / ORDINARY TO CONFIDENTIAL**

Nil.

**8 SCHEDULE OF OUTSTANDING RESOLUTIONS**

**8.1. Schedule of Outstanding Resolutions at 9 November 2020**

**Cr Pryce Allsop  
Cr Reece Byrnes (Deputy Mayor)**

**RESOLVED** that the Schedule of Outstanding Resolutions at 9 November 2020 are received and noted.

The Motion was **Carried**

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

***VOTE AGAINST*** - None

***ABSENT. DID NOT VOTE*** - Nil.

**9 MAYORAL MINUTE**

**9.1. Mayoral Minute for October 2020**

**Cr Chris Cherry (Mayor)**

**RESOLVED** that the Mayoral Minute for October 2020 be received and noted.

The Motion was **Carried**

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

***VOTE AGAINST*** - None

***ABSENT. DID NOT VOTE*** - Nil

**9.2. Late Mayoral Minute - Potential Sale of Airspace - Lot 1 DP 709231 King Street, Murwillumbah**

**Cr Chris Cherry (Mayor)**

**RESOLVED** that Council seeks a report on the potential sale or long term lease of

airspace above Council owned land known as Lot 1 in DP 709231, King Street Murwillumbah, which is currently used as a car park in association with the Sunnyside Shopping Centre, for construction of an elevated shopping centre over the existing Council owned carpark land.

The Motion was **Carried**

**VOTE FOR** - Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper

**VOTE AGAINST** - Cr James Owen, Cr Warren Polglase

**ABSENT. DID NOT VOTE** - Nil.

**9.3. Late Mayoral Minute - Lot 2 Clothiers Creek Road, Bogangar  
Cr Chris Cherry (Mayor)**

**RESOLVED** that Council, further to its representations and identification in November 2019 of Lot 2 Clothiers Creek Road, Bogangar to the Minister for Energy and Environment Matt Kean MP as suitable for acquisition to extend the National Park Estate, writes to the Minister through Mayoral Office alerting the Minister to the opportunity to acquire the site through an Expression of Interest (EOI) process closing on 2 December 2020. The site is unique in its benefits to the Tweed Coast Koala populations, SEPP wetlands and its highly desirable location adjoining the existing National Park and Koala corridor.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

**10 RECEIPT OF PETITIONS**

**10.1. Receipt of Petitions as at 9 November 2020  
ALTERNATE MOTION**

**Cr Pryce Allsop  
Cr Katie Milne**

**RESOLVED** that:

1. The following tabled Petition(s) be received and noted.

- Petition containing 46 valid signatories and received on 22 October 2020 entitled

"Petition Objecting to Tweed Shire Council DA 20/0583 to sub-divide No. 36 Northpoint Avenue., Salt into 2 blocks and install 2 re-located pre 2nd World War cottages" advising as follows:

*"We the undersigned, hereby petition the Tweed Shire Council to preserve the amenity and character of the North Beach Area of the Salt Development by:*

1. *REJECTING DA 20/0583, more particularly described as Lot 9 on DP 1066506 (subject site), to subdivide the subject site into 2 lots and relocate two pre 2nd world war cottages onto the block;*
2. *ACKNOWLEDGING that the undersigned support each and every objection lodged in respect of the DA 20/0583 and request that each of us are treated as if they were objectors;*
3. *TAKING into CONSIDERATION any written objections to DA 20/0583 lodged directly with Council or its Councillors, including the objections in this petition, after the period for objections has closed; and*
4. *GIVING DUE WEIGHT to the restrictive Covenants that the DA applicant voluntarily entered into at the time of purchase and on which the residents of North Beach Development relied when they purchased their properties."*

• Petition containing 77 valid signatories and received on 13 November 2020 entitled "Piggabeen Village Petition" advising their opposition to Development Application DA20/0753 - Machinery Shed at Lot 10 DP 246052 No 23 Green Valley Way, Piggabeen.

2. **ATTACHMENTS 1 and 2** are **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:

(e) information that would, if disclosed, prejudice the maintenance of law

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil

## 11 ORDERS OF THE DAY

### 11.1. Murwillumbah School Closures

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**PROPOSED** that Council:

1. Condemns in the strongest terms the decision by the Berejiklian/Barilaro Liberal National NSW Government to close all four State schools in Murwillumbah and force them

into one location.

2. Calls on the Berejiklian/Barilaro Liberal National NSW Government to immediately reverse this decision.

3. Writes to Premier Gladys Berejiklian, Deputy Premier John Barilaro and Tweed Nationals MP Geoff Provest expressing condemnation for their decision to close all four State schools in Murwillumbah and force them into one location.

### **AMENDMENT 1**

**Cr Chris Cherry (Mayor)**

**Cr Reece Byrnes (Deputy Mayor)**

**RESOLVED** that Council:

1. Expresses its extreme concern over the decision by the Berejiklian / Barilaro Liberal National NSW Government to close all four State schools in Murwillumbah and move them into one location.
2. Calls on the Berejiklian / Barilaro Liberal National NSW Government to defer its decision and consult adequately with the Murwillumbah community.
3. Writes to Premier Gladys Berejiklian, Deputy Premier John Barilaro and Tweed Nationals MP Geoff Provest expressing it's extreme concern on their decision to close all four State schools in Murwillumbah and move them into one location.

The Amendment 1 was **Carried**

**VOTE FOR** - *Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper*

**VOTE AGAINST** - *Cr James Owen, Cr Warren Polglase*

**ABSENT. DID NOT VOTE** - *Nil.*

Amendment 1 on becoming the Motion was **Carried**

**VOTE FOR** - *Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper*

**VOTE AGAINST** - *Cr James Owen, Cr Warren Polglase*

**ABSENT. DID NOT VOTE** - *Nil.*

**11.2. Retain Murwillumbah Bowling Club Site as land zoned for private open space or recreational purposes**

Cr Ron Cooper temporarily left the meeting at 6.23pm.

**Cr Chris Cherry (Mayor)**

**Cr Katie Milne**

**RESOLVED** that Council reaffirms its intention to retain the Murwillumbah Bowling Club Site as land zoned for private open space or recreational purposes.

Cr Ron Cooper returned to the meeting at 6.28pm.

The Motion was **Carried**

**VOTE FOR** - *Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor),*

**VOTE AGAINST** - *Cr Ron Cooper Cr James Owen, Cr Warren Polglase*

**ABSENT. DID NOT VOTE** -

**12 QUESTIONS ON NOTICE**

Nil.

**13 ITEMS BY EXCEPTION**

**PROCEDURAL MOTIONS**

**Cr Chris Cherry (Mayor)**

**Cr James Owen**

**RESOLVED** that Items 15.1 to 21.3, with the exception of Items 15.1, 16.2 and 18.4 be considered in block.

The Motion was **Carried**

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

**VOTE AGAINST** - *None*

**ABSENT. DID NOT VOTE** - *Nil.*

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that Items 15.1 to 21.3, with the exception of Items 15.1, 16.2 and 18.4, be

moved in block.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

## 14 REPORTS THROUGH THE GENERAL MANAGER

## 15 REPORTS FROM THE GENERAL MANAGER

### 15.1. New Years Eve and Fireworks

#### ALTERNATE MOTION

**Cr Chris Cherry (Mayor)**

**Cr Katie Milne**

**RESOLVED** that:

1. Council officers explore opportunities for Council to host free public events prior to June 2021 that encourages our community to re-emerge, celebrate and engage safely with our public spaces.
2. The free public events be funded using the combined funds of the 2019-2020 Fireworks budget (\$8,184) and the 2020-2021 Fireworks budget (\$8,589).
3. The General Manager authorises the hosting of any free public events *that have a strong link to the character and identity of the local community as outlined in the Tweed Shire Events Strategy 2016-2020*, and when satisfied they comply with any NSW Public Health Orders and/or Australian Government advice regarding COVID-19 restrictions on gathering and movement.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.



## 16 REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 16.1. Tweed Local Environmental Plan 2014 – Mapping Anomaly Corrections Planning Proposal

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that Council:

1. Endorses proceeding with the Tweed Local Environmental Plan 2014 Mapping anomaly corrections planning proposal and that the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination under s 3.34 of the Environmental Planning and Assessment Act, 1979;
2. Seeks the Minister’s dispensation for the need for public consultation because the planning proposal is to rectify mapping errors and ensure procedural correctness only, being to “correct an obvious error in the principal LEP, or address other matters that are of a minor nature” as provided by the Environmental Planning and Assessment Act, 1979 s.3.22; and
3. Endorses delegation to the General Manager for making of the local environmental plan amendment following a successful Gateway Determination.

The Motion was **Carried**

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

**VOTE AGAINST** - *None*

**ABSENT. DID NOT VOTE** - *Nil.*

### 16.2. Development Application DA20/0288 for the Regularisation of an Existing Roof and the Construction of an Acoustic Wall and Roof at the Existing Halcyon House Motel at Lot 100 DP 1208306, 19-25 Cypress Crescent Cabarita Beach

**ALTERNATE MOTION**

**Cr Katie Milne**  
**Cr Chris Cherry (Mayor)**

**RESOLVED** that:

A. Council:

1. Approves Development Application DA20/0288 for regularisation of an existing roof and the construction of an acoustic wall and roof at the existing Halcyon House Motel at Lot 100 DP 1208306; No. 19-25 Cypress Crescent Cabarita Beach subject to the conditions attached to this report; and
2. In relation to the unauthorised works and encroachment on the adjoining Council reserve, as identified in this report, arrangements be made to issue a statutory notice for the removal of the roof structure on Lot 7010 DP 1055324.

B. Council:

1. Writes to remind the operator of their requirements for no live music without prior approval and requests the operator take all steps available to minimise impacts on adjacent residents including enforcing the restrictions on patrons in the outdoor bar area after 10pm, management of noise generated by overnight guests, and that signs be erected requesting patrons leaving the premises to minimise noise.
2. Requests the operator to utilise sound meters to assist in monitoring peak noise periods with reports to Council to be made available on request.
3. Should it receive any further noise complaints deemed reasonable, that a comprehensive noise impact study be required as per the existing conditions of consent.
4. The proponent be advised that the noise wall and roof can be constructed to a higher acoustic absorbing standard under this approval as long as the approved dimensions of height, length and visual impact specified are maintained.

C. **ATTACHMENT 4** is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:

- (e) information that would, if disclosed, prejudice the maintenance of law

**ADJOURNMENT OF MEETING**

Adjournment for dinner at 7.01 pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 7.51pm.

**AMENDMENT 1**

**Cr Warren Polglase**  
**Cr Pryce Allsop**

**PROPOSED** that :

A. Council:

1. Approves Development Application DA20/0288 for regularisation of an existing roof and the construction of an acoustic wall and roof at the existing Halcyon House Motel at Lot 100 DP 1208306; No. 19-25 Cypress Crescent, Cabarita Beach subject to the conditions attached to this report; and
2. In relation to the unauthorised works and encroachment on the adjoining Council reserve, as identified in this report, the applicant be required to lodge a Development Application and Building Information Certificate, supported by Ministerial approval from the Department of Planning, Industry and Environment (Crown Lands) as the landowner of Lot 7010 DP 1055324. The Development Application and Building Information Certificate is to be lodged with Council no later than 30 days from the date of the Development Consent Notice for DA20/0288. If the required applications are not submitted within the 30 day time period, a Statutory Notice for the removal of the roof structure on Lot 7010 DP 1055324 is to be issued.

B. Council:

1. Writes to remind the operator of their requirements for no live music without prior approval and requests the operator take all steps available to minimise impacts on adjacent residents including enforcing the restrictions on patrons in the outdoor bar area after 10pm, management of noise generated by overnight guests, and that signs be erected requesting patrons leaving the premises to minimise noise.
2. Requests the operator to utilise sound meters to assist in monitoring peak noise periods with reports to Council to be made available on request.
3. Should it receive any further noise complaints deemed reasonable, that a comprehensive noise impact study be required as per the existing conditions of consent.
4. The proponent be advised that the noise wall and roof can be constructed to a higher acoustic absorbing standard under this approval as long as the approved dimensions of height, length and visual impact specified are maintained.

C. **ATTACHMENT 4** is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:

- (e) information that would, if disclosed, prejudice the maintenance of law
- Amendment 1 was **Lost**

**VOTE FOR** - Cr Pryce Allsop, Cr James Owen, Cr Warren Polglase

**VOTE AGAINST** - Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper

**ABSENT. DID NOT VOTE** - Nil.

The Motion was **Carried**

**VOTE FOR** - Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), ( Ron Cooper

**VOTE AGAINST** - Cr Pryce Allsop, Cr James Owen, Cr Warren Polglase

**ABSENT. DID NOT VOTE** - Nil.

**16.3. Development Application DA20/0267 for alterations and additions at Lot 242 DP 1033384; No. 13 Muskheart Circuit Pottsville**

**Cr Reece Byrnes (Deputy Mayor)  
Cr Ron Cooper**

**RESOLVED** that Development Application DA20/0267 for alterations and additions at Lot 242 DP 1033384 No. 13 Muskheart Circuit, Pottsville be refused for the following reasons:

1. The proposed development represents a height, bulk and scale that is uncharacteristic to the area.
2. The proposed development and its associated clause 4.6 variation is not supported as the development standard in this instance is not considered unreasonable or unnecessary.
3. The proposed development would have an unreasonable impact on adjoining properties having regard to privacy, overshadowing and view loss.
4. The proposed development is not compliant with Section A1, Part A of the Tweed DCP 2008 having regard to:
  - a) 3.2 Views and Vistas and its overarching objectives;
  - b) 3. Building Envelope Controls, 3.1 Setbacks;
  - c) 3.2 Building Height and its overarching objectives;
  - d) 4. Building Design, 4.3 Solar Access and Natural Ventilation;
  - e) 4.4 Building Form and its overarching objectives; and
  - f) 4.5 Visual and Acoustic Privacy and its overarching objectives.
5. The proposed development is not considered to meet the overarching intent or objectives of Tweed DCP 2008 Section B10 and B21 specifically having regard to scale and character of the locality and the direct impacts that the proposal would have on the amenity of the adjoining properties.
6. The proposed development is not considered to be in the public interest given the submissions received and the non-compliance with the adopted policies of Council as detailed above.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** -

**17 REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT**

Nil.

**18 REPORTS FROM THE DIRECTOR ENGINEERING**

**18.1. Variation Report for Contracts Finalised with Variations in Quarter 1 - 3 of 2020**

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that in respect to previous resolutions requiring the reporting of variations:

1. Council receives and notes the completed variations for the following finalised Contracts, as detailed in Confidential Attachment 1

2. **ATTACHMENT 1** is **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**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - N

## 18.2. Disposal of Council Land - Chauviers Road, Crystal Creek

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that Council:

1. Approves the sale of Lot 1 in DP219498 at Chauviers Road, Crystal Creek to the adjacent landholder by private treaty in special circumstances in accordance with Council's Disposal of Land Policy for the amount determined by valuation as set out in the body of this report and on the condition that the adjacent landholder agrees to the conditions outlined in this report including to register a positive covenant over Lot 1 in DP219498 requiring them to carry out maintenance, revegetation and other works in accordance with the management plan prepared by them and reviewed and approved by Council; and agrees to consolidate Lot 1 in DP219498 with their adjoining parcel, Lot 2 in DP552472; and
2. Executes all documentation under the Common Seal of Council.
3. **ATTACHMENTS 1 and 2** are **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
  - (e) information that would, if disclosed, prejudice the maintenance of law

The Motion was **Carried**

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

**VOTE AGAINST** - *None*

**ABSENT. DID NOT VOTE** - *Nil.*

## 18.3. Road Closure - Letitia Road and Prince Street, Fingal Head (adjacent Lot 7314 DP1121228)

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that Council:

1. Approves the road closure as detailed in the report and vesting of the closed road parcels in the Crown as Crown land upon closure.
2. All necessary documentation in relation to this matter to be executed under the Common Seal of Council.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

#### 18.4. Wastewater System Capacity and ET Allocations - Pottsville Area

##### ALTERNATE MOTION

**Cr Chris Cherry (Mayor)**

**Cr Pryce Allsop**

**RESOLVED** that Council, as the Wastewater Provider, allocates this additional Sewer Capacity to the proposed Food Hub development, west of the Motorway on Reserve Creek Road, with the following conditions:

1. The allocation is defined as 100 ET, based on the use of a pressure sewer system limited to a Average Dry Weather Flow (ADWF) of 0.778 L/s with a maximum daily volume of 67.2 kL.
2. The development results in local employment generation.
3. That the proponent lodges a Development application within 6 months of this resolution.
4. That the proponent obtains Development Consent within 18 months of this resolution.
5. That the development is completed and operational within 4 years of this resolution.
6. If any or all of the above conditions are not met Council can reallocate the ETs as it determines.
7. Any surplus ETs at the end of the 4 year period are to be surrendered.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** -

## 18.5. Water Strategies Review Project - Revised Estimated Completion Date

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that the Water Strategies Review project be completed and the recommendations of the Project Reference Group be made to Council by March 2021.

The Motion was **Carried**

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

**VOTE AGAINST** - *None*

**ABSENT. DID NOT VOTE** - *Nil.*

## 19 REPORTS FROM THE DIRECTOR CORPORATE SERVICES

### 19.1. Draft 2019/2020 Financial Statements

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that:

1. In accordance with Section 413(1) of the Local Government Act 1993, Council refers the General Purpose Financial and Special Purpose Financial Reports for audit.
2. The statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413(2) (c) of the Local Government Act 1993 and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting for the financial period 2019/2020, be executed.

The Motion was **Carried**

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

**VOTE AGAINST** - *None*

**ABSENT. DID NOT VOTE** - *Nil.*

### 19.2. Corporate Quarterly Performance Report as at 30 September 2020



**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2020

The Motion was **Carried**

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

***VOTE AGAINST** - None*

***ABSENT. DID NOT VOTE** - Nil*

### 19.3. Quarterly Budget Review - September 2020

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that the:

1. Quarterly Budget Review Statement as at 30 September 2020 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 2021.

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	300,450
Materials & Contracts	226,376	0
Interest	0	0
Other Operating costs	2,681	0
Capital	5,487,244	0
Loan Repayments	0	0
Transfers to Reserves	0	20,000
	<b>5,716,301</b>	<b>320,450</b>
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	98,180	0
Operating Grants & Conts	0	577,037
Capital Grants & Conts	0	5,094,994
User Charges & Fees	178,000	0

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Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	0
Asset Sales	0	0
	<b>276,180</b>	<b>5,672,031</b>

**Net Surplus/(Deficit)** **0**

	Deficit	Surplus
<b>Sewer Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	0
Materials & Contracts	0	46,044
Interest	0	0
Other Operating costs	0	0
Capital	5,060,958	0
Loan Repayments	0	0
Transfers to Reserves	0	2,241,819
	<b>5,060,958</b>	<b>2,287,863</b>
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	1,334,139	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	2,658,803
Transfers from Reserves	0	1,448,431
Asset Sales	0	0
	<b>1,334,139</b>	<b>4,107,234</b>

**Net Surplus/(Deficit)** **0**

<b>Water Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	0
Materials & Contracts	118,118	0
Interest	0	0
Other Operating costs	0	0
Capital	2,770,278	0
Loan Repayments	0	0
Transfers to Reserves	0	85,406
	<b>2,888,396</b>	<b>85,406</b>
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	804,941	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	280,000
User Charges & Fees	0	0
Other Operating Revenue	0	0

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Loan Funds	0	0
Recoupments	0	489,715
Transfers from Reserves	0	2,838,216
Asset Sales	0	0
	<b>804,941</b>	<b>3,607,931</b>
Net Surplus/(Deficit)		<u>0</u>

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

#### 19.4. Carry Over Works from 2019/2020 to 2020/2021 budget

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that Council adopts the Carry Over Works from 2019/2020 and the expenditure and income, as detailed within the report, be applied to the 2020/2021 Budget.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

#### 19.5. Audit, Risk and Improvement Committee Report for the year ended 30 June 2020.

**Cr Reece Byrnes (Deputy Mayor)**  
**Cr Ron Cooper**

**RESOLVED** that Council receives and notes the Audit, Risk and Improvement Committee Annual Report highlighting its activities for the financial year ended 30 June 2020.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

#### 19.6. Code of Conduct

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that Council adopts the attached amended versions of the:

- Code of Conduct for Councillors 2020;
- Code of Conduct for Staff 2020;
- Code of Conduct for Committee Members, Delegates of Council and Council Advisers 2020; and
- Procedures for the Administration of the Model Code of Conduct.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

#### 19.7. Monthly Investment Report for Period ending 31 October 2020

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at 31 October 2020 totalling \$398,014,925 be received and noted.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

**20 DELEGATES REPORTS**

Nil.

**21 REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**21.1. Minutes of the Tweed Shire Youth Council Meeting held Tuesday 11 August 2020**

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that the minutes of the Tweed Shire Youth Council meeting held Tuesday 11 August 2020 be received and noted.

The Motion was **Carried**

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

***VOTE AGAINST** - None*

***ABSENT. DID NOT VOTE** - Nil.*

**21.2. Minutes of the Local Traffic Committee Meeting held 8 October 2020 - Including Road Closure of Letitia Road**

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held 8 October 2020 be received and noted; and

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

**6.1 Kyogle Road, Uki**

That the parking space on Kyogle Road, Uki adjacent to the Post Office be signposted "No Parking Mon-Fri, 9am-10am, 3pm-4pm Postal Vehicle Excepted".

**7.1 Tweed Enduro 2021, Pottsville**

That the proposed Tweed Enduro on 6 March 2021 be supported, including temporary closure of Tweed Coast Road, Wooyung Road, Overall Drive and Kellehers Road subject to current COVID-19 restrictions at the time of the event:

1. NSW Police approval being obtained.
2. Endorsement of the event by Triathlon Australia.
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans (submitted to Council at least 2 weeks before the event) implemented and controlled by Transport for NSW accredited persons.
4. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.
5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
6. Adequate public liability insurance being held by the event organiser.
7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
8. Consultation with emergency services and any identified issues addressed.
9. Arrangements made for private property access and egress affected by the event.
10. That the applicant visit [www.whatsontweed.com.au](http://www.whatsontweed.com.au) and check if your event is listed. The What's On Tweed website automatically populates event listings from a range of sources. If your event is not listed, create an account and submit your event directly to the website for approval.
11. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
12. The event be conducted and signposted (where applicable this supersedes signposting in accordance with Transport for NSW Guide to Traffic Control at Worksites) in accordance with the current Transport for NSW Guidelines for Bicycle Road Races to ensure consistency across the network.
13. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.
14. The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.
15. The event signage plan be updated to reflect the correct closure times and submitted to Council for review.

## **7.2 Letitia Road, Fingal Head**

While the Committee does not support the ongoing closure of Letitia Road, Fingal Head on traffic management purposes, there are no objections to Council extending the time period of the temporary closure.

1. Council Writes to the NSW Police, Transport for NSW and the representatives on the Local Traffic Committee to advise of Council's intention to maintain the road closure at Letitia Road, Fingal Head until 22 February 2021 due to heightened

concerns to protect the Aboriginal Elders and residents particularly vulnerable to COVID-19.

2. Maintains the road closure at Letitia Road, Fingal Head until 22 February 2021 ensuring that the road is still open to pedestrians and cyclists.

3. Seeks the advice of the Aboriginal Advisory Committee for any further extensions to the closure.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

### **21.3. Minutes of the Tweed Shire Equal Access Advisory Committee Meeting held Wednesday 21 October 2020**

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Ron Cooper**

**RESOLVED** that the minutes of the Tweed Shire Equal Access Advisory Committee Meeting held Wednesday 21 October 2020 be received and noted.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

## **22 CONFIDENTIAL ITEMS FOR CONSIDERATION**

### **EXCLUSION OF PRESS AND PUBLIC**

**Cr Chris Cherry (Mayor)**

**Cr Reece Byrnes (Deputy Mayor)**

**RESOLVED** that Council moves into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 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**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

## 23 MAYORAL MINUTE IN COMMITTEE

### 23.1. Late - Mayoral Minute - Class 1 Appeals - DA20/0246 and DA20/0232

#### REASON FOR CONFIDENTIALITY

##### *Local Government Act*

This item 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

That Council

1. Further to the resolution made by Council on 5 November 2020, in relation to the Class 1 Appeal for the deemed refusal of Development Application **DA20/0246** for a two lot subdivision, removal of existing bowling green and children's outdoor play area, construction of two supermarkets, speciality shops, two service/delivery bays, construction of 309 car parking spaces on proposed Lot 1 and rationalising of the existing Club Banora car park on Lot 2, modifications to access arrangements to Leisure Drive, earthworks, tree removal and signage at ROAD 3035 & Lot 2 DP 1040576 Leisure Drive, Banora Point be amended as set out below.

*"That Council, in relation to the Class 1 Appeal for the deemed refusal of Development Application DA20/0246 for a two lot subdivision, removal of existing bowling green and children's outdoor play area, construction of two supermarkets, speciality shops, two service/delivery bays, construction of 309 car parking spaces on proposed Lot 1 and rationalising of the existing Club Banora car park on Lot 2, modifications to access arrangements to Leisure Drive, earthworks, tree removal and signage at ROAD 3035 & Lot 2 DP 1040576 Leisure Drive Banora Point, determines to negotiate consent orders, engage any necessary experts and provide delegation under Section 377(1) of the Local Government Act 1993 to both Council's General Manager and Mayor to undertake negotiations as necessary.."*

2. Further to the resolution made by Council on 5 November 2020 in relation to Development Application DA20/0232 for alterations and additions to Club Banora at Lot 2 DP 1040576 Leisure Drive Banora Point (item 21.2) be amended as set out below.



*"That Council in relation to the Class 1 Appeal for the deemed refusal of Development Application DA20/0232 for alterations and additions to Club Banora at Lot 2 DP 1040576; Leisure Drive Banora Point determines to negotiate consent orders, engage any necessary experts and provide delegation under Section 377(1) of the Local Government Act 1993 to both Council's General Manager and Mayor to undertake negotiations as necessary."*

The Motion/Amendment 1 was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

**24 REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**25 REPORTS FROM THE GENERAL MANAGER IN COMMITTEE**

Nil.

**26 REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**26.1. Taylor Made Car Sales Compliance Matters**

**REASON FOR CONFIDENTIALITY**

***Local Government Act***

This item 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:

- (e) information that would, if disclosed, prejudice the maintenance of law

**ALTERNATE MOTION**

That Council:

1. Undertakes an investigation to determine if there are any development compliance matters at Lots 5, 6 and 7 in DP27264 (Taylor Made Car sales and associated land) that require enforcement and regulation action; and if so, undertake action as necessary (including the issuing of Orders or commencement of Class 4 proceedings in the NSW Land & Environment Court seeking Orders to restrain the non-compliance with T4.4231) and engage Council's solicitors and consultants as necessary.

2. Issues an order No 10 and 21 under Section 124 of the Local Government Act 1993 to be complied by Monday 11, January 2020.

3. Should the Order in Recommendation 2 not be complied with, engage Council's solicitors to commence Class 4 proceedings in the NSW Land & Environment Court seeking Orders to restrain the breaches.

4. Pursuant to Section 678 of the Local Government Act 1993, Council will commence all necessary works on public property (immediately outside Lots 5, 6 and 7 in DP27264) to give effect to the Order issued under Section 124 of the Local Government Act 1993 whereby any items found on public property will be removed and disposed of.

5. Should the accumulation of items continue on public property (immediately outside Lots 5, 6 and 7 in DP27264), Council will rely upon Section 678 of the Local Government Act 1993 and continue to remove any items found on public property.

The Motion was **Carried**

**VOTE FOR** - Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper, Cr James Owen

**VOTE AGAINST** - Cr Warren Polglase

**ABSENT. DID NOT VOTE** - Nil.

## **27 REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT IN COMMITTEE**

Nil.

## **28 REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE**

### **28.1. Acquisition of Land Lot 24 DP260723 - 2 Waugh Street, Chinderah**

#### **REASON FOR CONFIDENTIALITY**

##### ***Local Government Act***

This item 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

That:

1. Council approves the acquisition by agreement of Lot 24 in DP260723 for public road, and the compensation payable of \$7,200.00 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and the

making of the necessary application to the Minister and/or Governor;

2. Lot 24 in DP260723 be dedicated as road following gazettal of the acquisition; and

3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

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

**VOTE AGAINST** - *None*

**ABSENT. DID NOT VOTE** - *Nil.*

## 28.2. Tweed River Boat Hire

### REASON FOR CONFIDENTIALITY

#### **Local Government Act**

This item 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
  
- (e) information that would, if disclosed, prejudice the maintenance of law

That Council proceeds with Option 2 within this report, with a requirement that a further report be brought back to Council.

The Amendment 1 was **Carried**

**VOTE FOR** - *Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper, Cr James Owen*

**VOTE AGAINST** - *Cr Warren Polglase*

**ABSENT. DID NOT VOTE** - *Nil.*

Amendment 1 on becoming the Motion was **Carried**

**VOTE FOR** - *Cr Katie Milne, Cr Chris Cherry (Mayor), Cr Pryce Allsop, Cr Reece Byrnes (Deputy Mayor), Cr Ron Cooper, Cr James Owen*

**VOTE AGAINST** - *Cr Warren Polglase*

**ABSENT. DID NOT VOTE** - *Nil*

**28.3. Upgrade of Wastewater Pumping Station SPS3037 by Altitude Aspire Development**

**REASON FOR CONFIDENTIALITY**

***Local Government Act***

This item 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

That Council approves the payment of \$243,453.41 (excluding GST) to Newland Developers Pty Ltd, being for the marginal difference in cost to upgrade the mechanical and electrical components and the electrical supply for SPS3037 to increase capacity from 28 L/s to 70 L/s.

The Motion was **Carried**

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

***VOTE AGAINST*** - None

***ABSENT. DID NOT VOTE*** - Nil

**29 REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE**

Nil.

**30 LATE REPORTS IN COMMITTEE**

**Cr Chris Cherry (Mayor)**

**Cr Reece Byrnes (Deputy Mayor)**

**RECOMMENDED** that Confidential Item 30.1, being a Late item, be dealt with and it is ruled by the Chair to be of great urgency.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

**30.1. LATE - Captain Cook Memorial Lighthouse Upgrade Budget Shortfall Revised**

**REASON FOR CONFIDENTIALITY**

**Local Government Act**

This item 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

**ALTERNATE MOTION**

That Council:

1. Approves the commitment of additional funds required of \$189,000 (excluding GST) to complete the Captain Cook Memorial Lighthouse Upgrade with Development Application modified design changes, and

2. Votes the expenditure.

The Motion was **Carried**

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

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - Nil.

**31 CLOSE OF MEETING**

**Cr Chris Cherry (Mayor)**

**Cr Reece Byrnes (Deputy Mayor)**

**RECOMMENDED** that the Committee resumes in Open Council

The Motion was **Carried**

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

***VOTE AGAINST - None***

***ABSENT. DID NOT VOTE - Nil.***

**Cr Reece Byrnes (Deputy Mayor)**

**Cr Pryce Allsop**

**RESOLVED** that Council adopts the recommendations of the Confidential Committee.

The Motion was **Carried**

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

***VOTE AGAINST - None***

***ABSENT. DID NOT VOTE - Nil.***

There being no further business the meeting closed at 9.23 PM

Minutes of meeting confirmed by Council at the meeting held on DATE

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Chair