



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

Councillors: P Youngblutt (Deputy Mayor)
C Byrne
B Longland
K Milne
W Polglase

Minutes

Ordinary Council Meeting Thursday 16 July 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 5.00pm.

IN ATTENDANCE

Cr G Bagnall (Mayor), Cr P Youngblutt (Deputy Mayor), Cr C Byrne, Cr B Longland, Cr K Milne, and Cr W Polglase.

Also present were Mr Vince Connell (Acting General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Iain Lonsdale (Acting Director Planning and Regulation), Ms Robyn Grigg (on behalf of Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (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 Jacob Van Den Steen of the Murwillumbah Christian Community Church.

"1 Timothy 2:2-5 Contemporary English Version (CEV)

² Pray for kings and others in power, so that we may live quiet and peaceful lives as we worship and honour God. ³ This kind of prayer is good, and it pleases God our Saviour. ⁴ God wants everyone to be saved and to know the whole truth, which is,

⁵ There is only one God, and Christ Jesus is the only one who can bring us to God.

Jesus was truly human, and he gave himself to rescue all of us.

Scripture is clear that those who honour him and live according to his ways will be blessed, and this not only applies to the individual, but also to leaders and governments. There are examples in the Old Testament where the enemies of Israel, changed their ways and followed the God of the Israelites, and they were blessed. This principal is timeless, and applies to us today, as individuals, for leaders, and for Governments. The opposite is also true, that those who reject God will not see his favour and his anger will be against those individual and nations.

Let us Pray:

Lord Jesus, we come before you today to seek your blessings on this Council, that you will grant wisdom and understanding to each of the councillors in the decisions they will make today. We give thanks for the land we live in, for the peace that we enjoy, for the beauty of the land especially the Tweed Valley that we live in, we thank you as we are a land of plenty, we have rich farming lands and abundant mineral wealth, a clean environment and so we thank you. We pray that the shire councillors will work together for the people they represent, to make decisions that not only will benefit the people of the Tweed, but are also honouring to you Lord Jesus. We pray for harmony, and unity, as the council works together, to enhance the qualities and assets of the Tweed. We pray that your favour will rest on this council,

In Jesus Name, Amen"

MINUTE SILENCE - Mr Ron Clarke

One minutes silence was observed as a mark of respect for the passing on 17 June 2015 of Mr Ron Clarke, who was the former Mayor of Gold Coast City Council from March 2004 to February 2012.

Mr Clarke was a remarkable middle and long distance runner and is also remembered for setting seventeen world records. During his term as Mayor, Mr Clarke was part of the lobbying team that secured the 2018 Commonwealth Games for the Gold Coast.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 18 June 2015

373

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 18 June 2105 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-CM] Confirmation of the Ordinary Minutes of Council Meeting held Thursday 2 July 2015

374

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that the Minutes of the Ordinary Council Meetings held Thursday 2 July 2015 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr C Byrne declared a significant non-pecuniary interest in Confidential Item C2 [CNR-CM] 1-3 Bay Street Tweed Heads. The nature of the interest is that Cr Byrne has a family member who works for a party referred to in the report. Cr Byrne advised that she will leave the Chambers and take no part in the discussion or voting.

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

375

**Cr K Milne
Cr G Bagnall**

RESOLVED that Confidential Agenda Item C3 [CNR-CM] Tweed Heads Cultural Precinct be moved into Open Council for discussion and determination. This item is to be dealt with at the conclusion of the Confidential Session.

***FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall
AGAINST VOTE - Cr C Byrne, Cr W Polglase, Cr P Youngblutt***

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

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions

The report on the Schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for June 2015

376

Cr G Bagnall

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

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr C Byrne

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

377

Cr G Bagnall

Cr C Byrne

RESOLVED that the following tabled Petition be received and noted:

- Petition containing 138 signatures and accompanied by 14 form letters, in relation to "Bay St Parking Petition" as follows:

"I am a long term customer at the Amcal Chempro Chemist on Bay Street, Tweed Heads. I am signing this petition to ask Tweed Shire Council to change one or both of the parking spaces in front of this pharmacy from the current two hour parking time limit to a 15 minute or half hour time limit.

It has recently become very difficult to get a car park in front of or near this pharmacy. There are a lot of people of pension age who have used this pharmacy for years and who normally just go in to get a prescription filled for themselves or for their elderly and/or ill spouses.

If there are no parking spaces available, we will have to contemplate going elsewhere and this is an inconvenience for us as this chemist has our pharmaceutical history.

This loss of business could also be detrimental to the pharmacy itself which relies on the business of regular customers.

So if Tweed Shire Council could reduce the time limit for this one parking spot or make it for chemist use only, it would assist us all, as it is easier to park here than at other places including the busy shopping centre car parks.

Thank you for assisting us in this issue.”

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE ACTING GENERAL MANAGER

6 [GM-CM] Tweed Regional Gallery - Visitor Research Report

378

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Council:

1. Receives and notes the Visitor Research Report prepared on the Tweed Regional Gallery and Margaret Olley Art Centre by Destination Research.
2. Formally thank the Tweed Regional Gallery Foundation Ltd for commissioning the study.
3. Work with Destination Tweed, the Murwillumbah Chamber of Commerce and the business community to implement the recommendations of the Visitor Report.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [GM-CM] Major Event Proposal for Murwillumbah

379

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Supports the event proposed.
2. Does not provide \$10,000 financial assistance requested, as the application was received after the festival and events funding round for 2015/2016 and therefore no unallocated funding is available.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr C Byrne, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr G Bagnall

8 [GM-CM] Northern Rivers Joint Organisation Discussion Paper

380

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council supports:

1. The development of a regional Strategic Plan that integrates the core themes of each individual members Community Strategic Plans linking priorities to be consistent with the NSW State Government Regional Action Plan and other significant strategic documents.
2. The adoption of prioritisation model that will facilitate a fair and equitable prioritisation for regional projects requiring government support and resources.
3. The appointment of a central spokesperson (and alternate) for the Joint Organisation to provide a clear and consistent message on behalf of the region to State and Federal Government agencies and the business community.
4. In principle, the investigation of Regional Service Delivery outlined in the body of this report with the addition of Aquatic Centres, Legal Services, Procurement, Internal Audit, Locum Services on a 'opt in' basis.
5. Joint Organisation meeting invitations being extended to Tenterfield and Clarence Valley Councils with no voting rights or associate membership fees being extended to those organisations.
6. County Council's within the NOROC area being established as sub-committees of the new Joint Organisation with sub-committee membership comprising County Council member councils only.

7. The Mayor of each council, being their nominated representative, with the provision for a nominated alternate with full voting rights if the Mayor is unable to attend meetings.
8. The existing NOROC fee structure for the new Joint Organisation, that distributes costs based on a 50% flat fee and 50% on population, coupled with a new voting system that provides for one vote per member for the flat fee component and a proportional member vote based on the population component.
9. The role of General Managers in the Joint Organisation as outlined in the body of this report.
10. In principle, the creation of a full time position of Executive Officer and part time administrative assistance provided the additional benefits of these positions are formalised with an agreed on performance based project plan with assessment of achievement against identified goals, outcomes and timelines.
11. A formal request to NOROC to give consideration to the location of the Joint Organisation Administration Office being located at Tweed Shire's new Administration Office at Tweed Heads
12. The cessation of NOROC with the introduction of the Northern Rivers Joint Organisation.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr C Byrne

9 [GM-CM] Local Government NSW Annual Conference 2015

ALTERNATE MOTION

381

Cr G Bagnall
Cr W Polglase

RESOLVED that Council:

1. Nominates Cr W Polglase, Cr B Longland, Cr K Milne and Cr G Bagnall as delegates to the 2015 Local Government NSW Annual Conference.
2. Schedules a workshop to discuss potential motions for the 2015 Local Government NSW Annual Conference.
3. Submits a further report to 20 August 2015 Council Meeting, to gain formal endorsement of the motions to be submitted to Local Government NSW by the closing date of 24 August 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [GM-CM] Council Committees

382

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council appoints as:

1. Delegates to:

Committee	Councillor Rep.	Alternate
Equal Access Advisory	Cr Youngblutt	
	<u>Cr Polglase</u>	
Tweed River Regional Museum	<u>Cr Longland</u>	<u>Cr Youngblutt</u>

2. Alternate Delegate to:

Committee	Councillor Rep.	Alternate
Aboriginal Advisory	Cr Bagnall	Cr Milne
		<u>Cr Longland</u>
Arts Northern Rivers	Cr Bagnall	<u>Cr Polglase</u>
Local Traffic Committee	Cr Longland	<u>Cr Bagnall</u>
Richmond Tweed Regional Library	Cr Byrne	<u>Cr Bagnall</u>
	Cr Milne	

for the balance of the elected term to September 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR PLANNING AND REGULATION

11 [PR-CM] Unauthorised Works at Lot 2 DP 1060215 Soorley Street Tweed Heads South

383

**Cr K Milne
Cr G Bagnall**

RESOLVED that:

1. Council, in respect of premises at Lot 2 DP 1060215 Soorley Street, Tweed Heads South, engages legal representation to evaluate the legality of the alleged 'exiting use rights' contention by Reysson Pty Ltd regarding vegetation clearing for fencing and cattle grazing purposes, in association with the agricultural use of the land and a report to be brought back to the Council Meeting of 20 August 2015.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] Draft Plan of Management - Bruce Chick Park

ALTERNATE MOTION

384

**Cr G Bagnall
Cr K Milne**

PROPOSED that Council defers the adoption of the Plan of Management for Bruce Chick Conservation Park until Council has been notified of the outcome of Council's Fit for the Future submission, expected from IPART mid to late October 2015.

AMENDMENT 1

385

**Cr W Polglase
Cr C Byrne**

RESOLVED that Council defers implementing the recommendations in the Council report and allocation of required funding subject to a report being prepared and a workshop held to look at the following issues:

1. Closing off Bruce Chick Park to all traffic including caravans, mobile homes, tents, campers etc.
 2. A slipway off the Tweed Valley Way to be created
 3. Re-establish appropriate signage for the park to include interpretive information displayed in the building and the entry statements which acknowledges Bruce Chick
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4. Suitable signage also to be erected identifying where existing caravan parks are within the Tweed Shire including Tweed Shire Caravan Parks and private operators caravan parks.
5. The toilet block to be demolished.
6. Options for the restoration of the bridge crossing to the arboretum.
7. Re-establish the area that has been previously used for camping etc. with appropriate trees for this area.

The Amendment 1 was **Carried**

FOR VOTE - Unanimous

Amendment 1 on becoming the Motion was **Carried** - (Minute No 385 refers)

FOR VOTE - Unanimous

13 [CNR-CM] Queen Street Toilet Block

386

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council invites expressions of interest for the reuse of the Queen Street amenities block, whilst preserving its heritage values.
2. A further report on the outcome from the expressions of interest be brought back to Council.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] RFP2015067 Chiller and Part System Replacement (x2) for Tweed Shire Council Buildings

387

**Cr C Byrne
Cr G Bagnall**

RESOLVED that in respect to Contract RFP2015067 Chiller and Part System Replacement (x2) for Tweed Shire Council Buildings:

1. Council awards the contract to Northernair Pty Ltd (ABN 33 050 325 570, ACN 050 325 570) for the amount of \$794,735.45 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
 - (d) *commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret.*

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Kingscliff Coastal Risk Management Study

388

Cr B Longland
Cr W Polglase

RESOLVED that Council:

1. Adopts the recommendations of the *Kingscliff Coastal Risk Management Study* June 2015 as the preferred option for management of coastal risk hazard for the Kingscliff Beach foreshore.
2. Develops the comprehensive Kingscliff – Dreamtime Beach Coastal Zone Management Plan in accordance with this adopted strategy.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr K Milne, Cr G Bagnall

PROCEDURAL MOTIONS

389

**Cr G Bagnall
Cr K Milne**

RESOLVED that Items 16 to 28, with the exception of Item 20, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

390

**Cr K Milne
Cr P Youngblutt**

RESOLVED that Items 16 to 28, with the exception of Item 20, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Jack Evans Boat Harbour Artificial Reef Feasibility

391

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council defers the trial placement of reef balls in Jack Evans Boat Harbour pending the allocation of required funding, subject to the outcome of Council's Fit for the Future submission, expected from IPART mid to late October 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] River Health Grants

392

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council approves the proposed River Health Grant listed below:

<i>Property Owner</i>	<i>Locality</i>	<i>Stream frontage (m)</i>	<i>Objective of works</i>	<i>Council contribution</i>
Simmons	Smiths Creek	345	Stabilise river bank erosion	\$24,000
Smith	Kunghur	580	Bush regeneration and madeira vine control	\$6,400

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Biodiversity Grants

393

Cr G Bagnall

Cr K Milne

RESOLVED that Council approves the proposed Biodiversity Grants listed below:

<i>Name</i>	<i>Area</i>	<i>Estimate (\$)</i>	<i>Description</i>
Scott	Upper Burringbar	\$3,600	Site action plan and six person days of ecological restoration
Townsend	Stokers Siding	\$3,200	Eight person days of ecological restoration
Elliott	Stokers Siding	\$4,000	Ten person days of ecological restoration
Daley	Tyalgum Creek	\$3,200	Eight person days of ecological restoration
Lee	Nobbys Creek	\$3,200	Eight person days of ecological restoration
Prior	Farrants Hill	\$4,000	Ten person days of ecological restoration
	Total	\$21,200	

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Local Government Aboriginal Network Conference 2016

394

Cr G Bagnall

Cr K Milne

RESOLVED that Council executes the Memorandum of Understanding as required by the NSW Local Government Aboriginal Network to host the 2016 Local Government Aboriginal Network Conference.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

20 [E-CM] Road Closure - Harrys Road, North Arm

395

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that Council executes all documentation under the Common Seal of Council in relation to the closure of part of Harrys Road, North Arm known as Lot 1 in DP 1200748.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [E-CM] Tyalgum Tennis Courts - Tyalgum

396

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. Council provides its consent to the plan of redefinition of Lot 40 in DP1151291.
2. All necessary documents be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [E-CM] Annual Indexation of Infrastructure Contribution Rates

397

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council notes the indexation of S94 contribution rates as detailed in this report and in accordance with:

- the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000;
- the ABS Implicit Price Deflator (IPD) index as adopted in each S94 Plan;
- the Tweed Shire Council Land Cost index for March 2015 as published in the 2015/2016 Revenue Policy and Statement and adopted in each S94 Plan; and
- the clause entitled "Adjustment of Contribution Rates" as adopted in each S94 Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [E-CM] 2015/16 Fees and Charges Amendments

398

Cr G Bagnall

Cr K Milne

RESOLVED that the amended fees for Item 121, Stormwater Drainage Application, Figure 1 as below be publicly exhibited for 28 days for public comment and submissions.

Figure 1:

Item	Activity/Function	Title of Fee/Charge	Fee or Charge Levied 2014/2015 \$	Fee or Charge Levied 2015/2016 \$	Est. Yield \$	Pricing Category	GST included
63	On-site Sewage Management	On-site Sewage Management Fees					
		(2) New System - Application for Approval to Install. This fee includes the Approval to Operate, four inspections and an application fee. An approval to operate will be issued at the satisfactory completion of the installation.	712.00	748.00		E	N
121	Stormwater Drainage Application (under S68 of the Local Government Act 1993. For renewals also refer to Inspection Fee in this item) <i>(Refer to Item 135)</i>	Amended Sec 68 approval and stamping of plans	75.00	79.00			N
		Application for approval to connect private drain with public drain - per lot (includes inspection fee of \$155.00 + \$40.00 connection)	180.00	195.00	24000	A	N
		Application to install stormwater quality control device and	50.00	52.50		A	N

Item	Activity/Function	Title of Fee/Charge	Fee or Charge Levied 2014/2015 \$	Fee or Charge Levied 2015/2016 \$	Est. Yield \$	Pricing Category	GST included
		annual renewal application - per device					
		General inspection fee including inspection of previously installed stormwater control device or additional stormwater drainage inspections	140.00	155.00		A	N
		Non-compliance inspection professional officer fee - per hour	350.00	155.00		A	N
		Non-compliance inspection administration fee - per hour		80.00		A	N

The Motion was **Carried**

FOR VOTE - Unanimous

24 [E-CM] NSW Sugar Milling Co-Operative - Sharefarming Agreement at Eviron

399

**Cr G Bagnall
Cr K Milne**

RESOLVED that :

1. Council approves entering into a Deed of Novation with NSW Sugar Milling Co-Operative Limited and Manildra Stock Feeds (Manufacturing) Pty Ltd in relation to the Sharefarming Agreement dated 21 October 2011 between Tweed Shire Council and NSW Sugar Milling Co-Operative Limited.
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

25 [CS-CM] In Kind and Real Donations - January to March 2015

400

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council notes the total in kind and real donations of \$73,178.13 for the period January to March 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CS-CM] Procurement Policy, Version 1.6

401

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council adopts the Procurement Policy, Version 1.6.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [CS-CM] 2015/2016 Making the Rate

402

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. Council makes the 2015/2016 rates and charges in accordance with the provisions of sections 493, 494, 495, 495A, 496, 498, 501, 502, 506, 508A, 541, 548 and 553 of the Local Government Act 1993:

(a) Ordinary Rates (section 494, 498, 508A)

(i) Residential Rate

A Residential Rate of .5508 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of nine hundred and ninety dollars (\$990.00) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3560 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of nine hundred and ninety dollars (\$990.00) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5854 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of one thousand and eighty eight dollars and thirty five cents (\$1088.35) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 495A, 496, 501, 502 and 553)

(i) Sewerage Annual Charge (Section 501)

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of seven hundred and eighty two dollars (\$782.00) in respect of any separate parcel of rateable land.

Non-Residential Assessments - The minimum non-residential sewerage access charge will be \$782.00

The minimum non-residential sewerage access charge shall be equivalent to the residential sewerage access charge.

The non-residential sewerage access charge (SAC) for properties with a larger than 20mm water service shall be calculated in the same way as the water access charge:

$$\text{Non-residential SAC (\$)} = \text{Residential SAC (\$)} \times R \times CF$$

Where:

R = Meter Ratio being the ratio of the water meter cross sectional area to that of a 20mm water meter's cross sectional area (See Table 1)

CF = Consumption Factor for the previous 12 months as displayed in Table 1 (The Consumption Factor has been introduced to acknowledge that the size of the water meter does not always reflect the volume of water used).

Table 1. Consumption Factors

Meter size (mm)		20	25	32	40	50	80	100	150	200	250	300
Meter Ratio (R)		1	1.56	2.56	4.0	6.25	16.0	25.0	56.25	100	156.25	225
Consumption Range (kL)		Consumption Factor (CF)										
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	291
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	455
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	744
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	1,161
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	1,815
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	4,641
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	7,251
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	16,315
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	29,001
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

(ii) Water Annual Charge (Section 501)

Residential assessments – a service charge of \$158.50

Non-Residential Assessments - The minimum non-residential water access charge will be \$158.50.

The non-residential water access charge (WAC) for properties with a larger than 20mm water service shall be calculated as shown below:

$$\text{Non-residential WAC (\$)} = \text{Residential WAC (\$)} \times R \times CF$$

Where:

R = Meter Ratio being the ratio of the water meter cross sectional area to that of a 20mm water meter's cross sectional area (see Table 2).

CF = Consumption Factor for the previous 12 months as displayed in Table 2 (The Consumption Factor has been introduced to acknowledge that the size of the water meter does not always reflect the volume of water used).

Table 2. Consumption Factors

Meter size (mm)		20	25	32	40	50	80	100	150	200	250	300
Meter Ratio (R)		1	1.56	2.56	4.0	6.25	16.0	25.0	56.25	100	156.25	225
Consumption Range (kL)		Consumption Factor (CF)										
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

A volumetric charge of \$2.70 per kilolitre will apply for all consumption up to .8219kl per day based on the daily average over the billing period.

A high consumption volumetric charge of \$4.05 per kilolitre will apply for all consumption above .8219kl per day based on the daily average over the billing period.

Vacant assessments rated to water – a service charge of \$158.50

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

(iii) Koala Beach Special Rate (Section 495)

A Koala Beach Special Rate of .0837 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

Lot 1 DP 86409	Lot 62 DP 864094	Lot 216 DP 1033384	Lot 202 DP 1033384
Lot 2 DP 864093	Lot 63 DP 864094	Lot 217 DP 1033384	Lot 203 DP 1033384
Lot 3 DP 864093	Lot 64 DP 864094	Lot 218 DP 1033384	Lot 204 DP 1033384
Lot 4 DP 864093	Lot 65 DP 864094	Lot 219 DP 1033384	Lot 205 DP 1033384
Lot 5 DP 864093	Lot 66 DP 864094	Lot 220 DP 1033384	Lot 206 DP 1033384
Lot 6 DP 864093	Lot 67 DP 864094	Lot 221 DP 1033384	Lot 207 DP 1033384
Lot 7 DP 864093	Lot 68 DP 864094	Lot 222 DP 1033384	Lot 208 DP 1033384
Lot 8 DP 864093	Lot 69 DP 864094	Lot 223 DP 1033384	Lot 209 DP 1033384
Lot 9 DP 864093	Lot 70 DP 864094	Lot 224 DP 1033384	Lot 210 DP 1033384
Lot 10 DP 864093	Lot 71 DP 864094	Lot 225 DP 1033384	Lot 211 DP 1033384
Lot 11 DP 864093	Lot 72 DP 864094	Lot 226 DP 1033384	Lot 451 DP 1040725
Lot 12 DP 864093	Lot 73 DP 864094	Lot 227 DP 1033384	Lot 452 DP 1040725
Lot 13 DP 864093	Lot 74 DP 864094	Lot 228 DP 1033384	Lot 453 DP 1040725
Lot 16 DP 864093	Lot 75 DP 864094	Lot 229 DP 1033384	Lot 454 DP 1040725
Lot 17 DP 864093	Lot 76 DP 864094	Lot 230 DP 1033384	Lot 455 DP 1040725
Lot 18 DP 864093	Lot 77 DP 864094	Lot 231 DP 1033384	Lot 456 DP 1040725
Lot 19 DP 864093	Lot 78 DP 864094	Lot 232 DP 1033384	Lot 457 DP 1040725
Lot 20 DP 864093	Lot 79 DP 864094	Lot 233 DP 1033384	Lot 458 DP 1040725
Lot 21 DP 864093	Lot 80 DP 864094	Lot 234 DP 1033384	Lot 459 DP 1040725
Lot 30 DP 864094	Lot 81 DP 864094	Lot 235 DP 1033384	Lot 460 DP 1040725
Lot 31 DP 864094	Lot 82 DP 864094	Lot 236 DP 1033384	Lot 461 DP 1040725
Lot 32 DP 864094	Lot 83 DP 864094	Lot 237 DP 1033384	Lot 301 DP 1049060
Lot 33 DP 864094	Lot 84 DP 864094	Lot 238 DP 1033384	Lot 302 DP 1049060
Lot 34 DP 864094	Lot 85 DP 864094	Lot 239 DP 1033384	Lot 303 DP 1049060
Lot 35 DP 864094	Lot 86 DP 864094	Lot 240 DP 1033384	Lot 304 DP 1049060
Lot 36 DP 864094	Lot 87 DP 864094	Lot 241 DP 1033384	Lot 305 DP 1049060
Lot 37 DP 864094	Lot 88 DP 864094	Lot 242 DP 1033384	Lot 306 DP 1049060
Lot 38 DP 864094	Lot 91 DP 864094	Lot 243 DP 1033384	Lot 307 DP 1049060
Lot 39 DP 864094	Lot 92 DP 864095	Lot 244 DP 1033384	Lot 308 DP 1049060

Lot 40 DP 864094	Lot 93 DP 864095	Lot 245 DP 1033384	Lot 309 DP 1049060
Lot 41 DP 864094	Lot 94 DP 864095	Lot 246 DP 1033384	Lot 310 DP 1049060
Lot 42 DP 864094	Lot 95 DP 864095	Lot 247 DP 1033384	Lot 311 DP 1049060
Lot 43 DP 864094	Lot 96 DP 864095	Lot 248 DP 1033384	Lot 312 DP 1049060
Lot 44 DP 864094	Lot 97 DP 864095	Lot 249 DP 1033384	Lot 313 DP 1049060
Lot 45 DP 864094	Lot 98 DP 864095	Lot 250 DP 1033384	Lot 314 DP 1049060
Lot 46 DP 864094	Lot 99 DP 864095	Lot 251 DP 1033384	Lot 315 DP 1049060
Lot 47 DP 864094	Lot 100 DP 864095	Lot 252 DP 1033384	Lot 316 DP 1049060
Lot 48 DP 864094	Lot 101 DP 864095	Lot 253 DP 1033384	Lot 317 DP 1049060
Lot 49 DP 864094	Lot 14 DP 870694	Lot 254 DP 1033384	Lot 318 DP 1049060
Lot 50 DP 864094	Lot 15 DP 870694	Lot 255 DP 1033384	Lot 319 DP 1049060
Lot 51 DP 864094	Lot 22 DP 870695	Lot 256 DP 1033384	Lot 320 DP 1049060
Lot 52 DP 864094	Lot 23 DP 870695	Lot 257 DP 1033384	Lot 321 DP 1049060
Lot 53 DP 864094	Lot 24 DP 870695	Lot 258 DP 1033384	Lot 322 DP 1049060
Lot 54 DP 864094	Lot 25 DP 870695	Lot 259 DP 1033384	Lot 323 DP 1049060
Lot 55 DP 864094	Lot 26 DP 870695	Lot 260 DP 1033384	Lot 324 DP 1049060
Lot 56 DP 864094	Lot 27 DP 870695	Lot 261 DP 1033384	Lot 325 DP 1049060
Lot 57 DP 864094	Lot 28 DP 870695	Lot 262 DP 1033384	Lot 326 DP 1049060
Lot 58 DP 864094	Lot 29 DP 870695	Lot 263 DP 1033384	Lot 327 DP 1049060
Lot 59 DP 864094	Lot 213 DP 1033384	Lot 264 DP 1033384	Lot 328 DP 1049060
Lot 60 DP 864094	Lot 214 DP 1033384	Lot 265 DP 1033384	Lot 329 DP 1049060
Lot 61 DP 864094	Lot 215 DP 1033384	Lot 201 DP 1033384	Lot 330 DP 1049060
Lot 331 DP 1049060	LOT 396 DP 1052083	Lot 516 DP 1068516	Lot 569 DP 1076975
Lot 332 DP 1049060	Lot 397 DP 1052083	Lot 519 DP 1076975	Lot 570 DP 1076975
Lot 333 DP 1049060	Lot 398 DP 1052083	Lot 520 DP 1076975	Lot 571 DP 1076975
Lot 334 DP 1049060	Lot 399 DP 1052083	Lot 521 DP 1076975	Lot 572 DP 1076975
Lot 335 DP 1049060	Lot 400 DP 1052083	Lot 522 DP 1076975	Lot 573 DP 1076975
Lot 336 DP 1049060	Lot 401 DP 1052083	Lot 523 DP 1076975	Lot 574 DP 1076975
Lot 338 DP 1049060	Lot 402 DP 1052083	Lot 524 DP 1076975	Lot 575 DP 1076975
Lot 340 DP 1049061	Lot 403 DP 1052083	Lot 525 DP 1076975	Lot 576 DP 1076975
Lot 342 DP 1049061	Lot 404 DP 1052083	Lot 526 DP 1076975	Lot 577 DP 1076975
Lot 343 DP 1049061	Lot 405 DP 1052083	Lot 527 DP 1076975	Lot 578 DP 1076975
Lot 344 DP 1049061	Lot 406 DP 1052083	Lot 528 DP 1076975	Lot 579 DP 1076975
Lot 346 DP 1049061	Lot 407 DP 1052083	Lot 529 DP 1076975	Lot 580 DP 1076975
Lot 347 DP 1049061	Lot 408 DP 1052083	Lot 530 DP 1076975	Lot 581 DP 1076975
Lot 348 DP 1049061	Lot 409 DP 1052083	Lot 531 DP 1076975	Lot 582 DP 1076975
Lot 349 DP 1049061	Lot 410 DP 1052083	Lot 532 DP 1076975	Lot 583 DP 1076975
Lot 350 DP 1049061	Lot 411 DP 1052083	Lot 534 DP 1076975	Lot 584 DP 1076975
Lot 351 DP 1049061	Lot 412 DP 1052083	Lot 535 DP 1076975	Lot 585 DP 1076975
Lot 352 DP 1049061	Lot 413 DP 1052083	Lot 536 DP 1076975	Lot 586 DP 1076975
Lot 353 DP 1049061	Lot 414 DP 1052083	Lot 537 DP 1076975	Lot 587 DP 1076975
Lot 354 DP 1049061	Lot 415 DP 1052083	Lot 538 DP 1076975	Lot 588 DP 1076975
Lot 355 DP 1049061	Lot 416 DP 1052083	Lot 539 DP 1076975	Lot 589 DP 1076975
Lot 356 DP 1049061	Lot 417 DP 1052083	Lot 540 DP 1076975	Lot 590 DP 1076975
Lot 357 DP 1049061	Lot 418 DP 1052083	Lot 541 DP 1076975	Lot 591 DP 1076975
Lot 339 DP 1052080	LOT 419 DP 1052083	Lot 542 DP 1076975	Lot 592 DP 1076975

Lot 370 DP 1052082	LOT 420 DP 1052083	Lot 543 DP 1076975	Lot 593 DP 1076975
Lot 371 DP 1052082	Lot 421 DP 1052083	Lot 544 DP 1076975	Lot 594 DP 1076975
Lot 372 DP 1052082	Lot 422 DP 1052083	Lot 545 DP 1076975	Lot 595 DP 1076975
Lot 373 DP 1052082	Lot 423 DP 1052083	Lot 546 DP 1076975	Lot 596 DP 1076975
Lot 374 DP 1052082	Lot 424 DP 1052083	Lot 547 DP 1076975	Lot 597 DP 1076975
Lot 375 DP 1052082	Lot 425 DP 1052083	Lot 548 DP 1076975	Lot 598 DP 1076975
Lot 376 DP 1052082	Lot 426 DP 1052083	Lot 549 DP 1076975	Lot 599 DP 1076975
Lot 377 DP 1052082	Lot 90 DP 864094	Lot 550 DP 1076975	Lot 600 DP 1076975
Lot 378 DP 1052082	Lot 89 DP 864094	Lot 551 DP 1076975	Lot 601 DP 1076975
Lot 379 DP 1052082	Lot 212 DP 1033384	Lot 552 DP 1076975	Lot 602 DP 1076975
Lot 380 DP 1052082	Lot 200 DP 1033384	Lot 553 DP 1076975	Lot 603 DP 1076975
Lot 381 DP 1052082	Lot 501 DP 1068516	Lot 554 DP 1076975	Lot 604 DP 1076975
Lot 382 DP 1052082	Lot 502 DP 1068516	Lot 555 DP 1076975	Lot 605 DP 1076975
Lot 383 DP 1052082	Lot 503 DP 1068516	Lot 556 DP 1076975	Lot 606 DP 1076975
Lot 384 DP 1052082	Lot 504 DP 1068516	Lot 557 DP 1076975	Lot 607 DP 1076975
Lot 385 DP 1052082	Lot 505 DP 1068516	Lot 558 DP 1076975	Lot 608 DP 1076975
Lot 386 DP 1052082	Lot 506 DP 1068516	Lot 559 DP 1076975	Lot 739 DP 1076973
Lot 387 DP 1052082	Lot 507 DP 1068516	Lot 560 DP 1076975	Lot 919 DP 1077493
Lot 388 DP 1052082	Lot 508 DP 1068516	Lot 561 DP 1076975	Lot 610 DP 1077500
Lot 389 DP 1052082	Lot 509 DP 1068516	Lot 562 DP 1076975	Lot 611 DP 1077500
Lot 390 DP 1052082	Lot 510 DP 1068516	Lot 563 DP 1076975	Lot 612 DP 1077500
Lot 391 DP 1052082	Lot 511 DP 1068516	Lot 564 DP 1076975	Lot 613 DP 1077500
Lot 392 DP 1052082	Lot 512 DP 1068516	Lot 565 DP 1076975	Lot 614 DP 1077500
Lot 393 DP 1052083	Lot 513 DP 1068516	Lot 566 DP 1076975	Lot 615 DP 1077500
Lot 394 DP 1052083	Lot 514 DP 1068516	Lot 567 DP 1076975	Lot 616 DP 1077500
Lot 395 DP 1052083	Lot 515 DP 1068516	Lot 568 DP 1076975	Lot 617 DP 1077500

(iv) Domestic Waste Management Annual Charge (Section 496)

A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty two dollars and forty cents (\$62.40) in respect of any applicable land within the declared domestic waste scavenging area.

(v) Domestic Waste Service Annual Charge (Section 496)

A Domestic Waste Service Annual Charge for all land within the declared domestic waste scavenging area for the removal of the approved contents of the standard 140 litre mobile waste bin each week, maps of which are available from Council's Waste Management Unit. An annual charge of one hundred and eighty five dollars and ten cents (\$185.10) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 80 litre mobile bin will be available to residents who have low waste generation. An annual charge of one hundred and forty eight dollars and sixty cents (\$148.60) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 240 litre mobile bin will be available to residents who have high waste generation. An annual charge of two hundred and twenty three dollars and ten cents (\$223.10) in respect of any applicable serviced land within the declared domestic waste scavenging area.

(vi) Landfill Management Charge (Section 501)

A Landfill Management Annual Charge for all rateable land within the boundary of the Tweed Shire. An annual charge of fifty dollars and forty cents (\$50.40) in respect of all rateable land within the boundary of the Tweed Shire.

(vii) Green Organics Collection Charge (Section 496)

An additional annual charge of fifty nine dollars and fifty cents (\$59.50) is applicable to all landowners who have requested a fortnightly green organics collection service.

(viii) Waste Minimisation and Recycling Annual Charge (Section 496)

A Waste Minimisation and Recycling Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty seven dollars and eighty cents (\$67.80) in respect of any applicable land within the declared domestic waste scavenging area.

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 8.5% pa.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for the Period Ending 30 June 2015

403

**Cr G Bagnall
Cr K Milne**

RESOLVED that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at period ending 30 June 2015 totalling \$215,595,654 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

29 [NOM] Resource Sharing of Policies between Councils

404

Cr K Milne
Cr G Bagnall

PROPOSED that Council writes to the Australian Local Government Association and Local Government NSW to request that they host Local Council policies, strategies, plans of management, etc. on their website, in regard to generic issues that may be of interest to other Councils.

AMENDMENT 1

405

Cr G Bagnall
Cr K Milne

RESOLVED that Council writes to the Office of Local Government to favourably acknowledge their website advising of the future updates to their site in relation to policy sharing.

The Amendment 1 was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr P Youngblutt
AGAINST VOTE - Cr C Byrne, Cr W Polglase

Amendment 1 on becoming the Motion was **Carried** - (Minute No 405 refers)

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr P Youngblutt
AGAINST VOTE - Cr C Byrne, Cr W Polglase

30 [NOM] Landscaping Improvements Roads and Maritime Authority

406

Cr K Milne
Cr G Bagnall

PROPOSED that Council:

1. Writes to the Roads and Maritime Service to invite them to a meeting to discuss landscaping along the freeway and highway in the Tweed Shire and for significant improvements to landscaping in light of the Tweed Shire being recognized as one Australia's National Iconic Landscapes and the impact these main roads have in this regard.

2. Advises the Roads and Maritime Service of Council's policy in regard to planting native vegetation and requests that any landscaping is in accordance with this policy.

AMENDMENT 1

407

Cr C Byrne
Cr P Youngblutt

RESOLVED that Council:

1. Writes to the Roads and Maritime Service to invite them to a meeting to discuss landscaping along the freeway and highway in the Tweed Shire.
2. Writes to the Local Members for Lismore and Tweed inviting them to attend the meeting.

The Amendment 1 was **Carried**

FOR VOTE - Cr B Longland, Cr G Bagnall, Cr C Byrne, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr K Milne

Amendment 1 on becoming the Motion was **Carried** - (Minute No 407 refers)

The Motion was **Carried**

FOR VOTE - Unanimous

31 [NOM] Parking Requirements for Small Businesses

408

Cr K Milne
Cr P Youngblutt

RESOLVED that Council brings forward a report on the issue of Council's requirements for parking for development approvals for new small business and intensified use of existing, or change of use, small business approvals, including but not limited to:

- a) Council's current requirements and the justification for these requirements,
- b) The potential for these requirements to act as a disincentive for new or expanding small businesses,
- c) Comparison of Council's requirements with other similar growth Councils requirements,
- d) Options to alleviate the impost on small businesses such as eliminating, reducing or providing deferred payments,

e) Options to address the implications for Council or the community from the above.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [NOM] Murwillumbah Planning Reforms and Revitalisation Plans

ALTERNATE MOTION

409

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council brings forward a report on an appropriate program for a comprehensive review of Development Control Plan (DCP) - Section B22.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [NOM] Murwillumbah CBD

410

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council staff prepares an estimate of the cost and any other likely constraints to the undergrounding of the power supply to the Murwillumbah central business district with a brief report to a future Council meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

34 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 5 June 2015

411

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Floodplain Management Committee Meeting held Friday 5 June 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

Item 2 (Business Arising 5/2/14)

Review of Flood Controls for Short Term Caravan Park Accommodation

That as part of the Planning and Regulation Division's review of caravan park controls, Council engages a risk management consultant to assess and make recommendations regarding Council's risk exposure around flood prone caravan parks.

Item 1 (Agenda)

Coastal Creeks Floodplain Risk Management Study and Plan Update

That Council writes to ABC North Coast Radio expressing concerns about their information service for Tweed Shire during flood emergencies, and invites their representatives to a briefing of issues with Council officers.

Item 4. (General Business)

Tweed Cane Grower's Submission - Bruce Chick Park

That due to the impacts of the narrowing of Stott's Channel, Council invites all relevant State Government Ministers to inspect the site and provide advice with a view to re-establishing a reasonable channel for drainage and environmental outcomes.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 10 June 2015

412

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 10 June 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1. Gold Coast Airport Instrument Landing System (ILS)

1. That in view of the numerous and significant potential adverse impacts on species, sensitive habitats, fauna and waterways, Council take all possible steps available to it to have the matter suspended, and that Council makes its view known to the relevant Federal Minister.
2. That the Tweed River Committee's concerns regarding the high probability of acid sulfate soil runoff from this development affecting/contaminating the Cobaki Broadwater be noted.
3. That Lindy Smith and representatives from Southern Cross University be invited to address Council in a workshop on the potential impacts of the proposed development.

A2. Draft Plan of Management – Bruce Chick Conservation Park

That Council notes that the Tweed River Committee strongly supports Option 2 of the Management Plan which is to retain all existing facilities at the park but only for casual recreational activities (no camping).

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr C Byrne, Cr W Polglase, Cr P Youngblutt

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

Cr P Youngblutt temporarily left the meeting at 06:20 PM.

36 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 11 June 2015

413

**Cr G Bagnall
Cr K Milne**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 11 June 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

37 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 June 2015

414

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 June 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

05. Round Table on Information Access for People with Print Disabilities

That Council writes to the Stamford Plaza and congratulate management and staff on providing a high standard in access and inclusion for delegates, in particular for the delegate Suzi Hudson who is President of Blind Citizens Australia, Tweed Valley and a member of the Equal Access Advisory Committee.

06. Celebrating Success and Facing the Future Together Conference

That Council writes to Tweed Byron Ballina Community Transport thanking them for their support by making a wheelchair accessible vehicle (WAV) available at low cost enabling community representatives from the Equal Access Advisory Committee to be involved in the review.

A1. Access and Inclusion Policy and Action Plan

That Council sends a letter to peak body and or managers of clubs explaining the purpose of the review of public toilets. The letter will explain the importance of providing, maintaining and upgrading public toilets to facilitate access and inclusion with reference to the Convention on the Rights of Persons with Disability and Council's Access and Inclusion Policy and Action Plan.

GB1. Business Excellence Awards Tweed Shire (BEATS)

That Council supports the Committee's recommendation for the silver sponsorship option at \$1,100 funded from the Access Budget.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt***

Cr P Youngblutt has returned from temporary absence at 06:22 PM

38 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 18 June 2015

415

**Cr B Longland
Cr K Milne**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 18 June 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

SCH1 [LTC] Tyalgum Road, Murwillumbah (B13)

That the Roads and Maritime Services (RMS) speed review of Tyalgum Road, Bray Park to Tyalgum, including the existing 60km/h speed limit in the village of Tyalgum be accepted and recommended to Council as follows:

That:

1. The existing speed limit of 100km/h on Tyalgum Road from the junction of Kyogle Road to 0.35km west of Old Lismore Road, Bray Park will be reduced to 80km/h, a total distance of 1.25km.
2. Tyalgum Road from 0.35km west of Old Lismore Road, Bray Park to 0.99km west of Kellys Road, Eungella will be speed zoned at 100km/h, a total distance of 3.42km.
3. Tyalgum Road from 0.99km west of Kellys Road, Eungella to 0.37km east of Coodgie Street, Tyalgum will be reduced to 80km/h, a total distance of 12.42km.
4. Tyalgum Road from 100m west of Swifts Road, Tyalgum to 55m east of Swifts Road, Tyalgum will be reduced to 50km/h, a total distance of 155m.
5. Wollumbin Street from 100m west of Swifts Road, Tyalgum to Coodgie Street, Tyalgum will be reduced to 50km/h, a total distance of 220m.
6. Brays Creek Road from 60m north of Short Street, Tyalgum to 60m south of Short Street, Tyalgum will be reduced to 50km/h, a total distance of 120m.
7. Coodgie Street from Coolman Street, Tyalgum to 50m south of Cougal Street, Tyalgum will be reduced to 50km/h, a total distance of 300m.
8. Limpinwood Road from 20m north of Coolman Street, Tyalgum to Coolman Street, Tyalgum will be reduced to 50km/h, a total distance of 280m.
9. Coolman Street from Coodgie Street to 25m west of Coodgie Street, Tyalgum will be reduced to 50km/h, a total distance of 25m.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

416

**Cr P Youngblutt
Cr B Longland**

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

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL ITEMS FOR CONSIDERATION

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 ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE ACTING GENERAL MANAGER IN COMMITTEE

Cr K Milne temporarily left the meeting at 06:24 PM.

C1 [GM-CM] Independent Chair - Council and LEDA

REASON FOR CONFIDENTIALITY:

Disclosure and discussion of this report could affect the relationship between all parties. The Independent Chair has also operated under a Confidentiality Agreement.

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.

C 29

**Cr P Youngblutt
Cr G Bagnall**

RECOMMENDED that Council:

1. Receives and notes the Independent Chair progress and success;
2. Formally ceases the joint appointment with Leda Holdings Pty Ltd of the Independent Chair.
3. Appoints Clare Brown of Urbis Pty Ltd in a Project Management role, for the period ending 30 June 2016, to provide advice to Council and to facilitate the advancement of major Leda developments at Cobaki and Kings Forest, including the Southern Cross University/Leda redevelopment at Cobaki.
4. Advises Leda Holdings Pty Ltd of the appointment of Clare Brown of Urbis Pty Ltd in a Project Management role.

The Motion was Carried

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne***

Cr K Milne has returned from temporary absence at 06:25 PM

REPORTS FROM THE ACTING DIRECTOR PLANNING AND REGULATION IN COMMITTEE

aC1 [PR-CM] Land and Environment Court Proceedings No. 41058 of 2014 and 41060 of 2014 - Nos. 1, 3 and 5 Prospero Street, South Murwillumbah

REASON FOR CONFIDENTIALITY:

This report has been made Confidential due to the ongoing legal action.

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: -

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

C 30

Cr G Bagnall
Cr P Youngblutt

RECOMMENDED that Council commences:

1. Land and Environment Court proceedings against Philip Taylor for contempt of the consent orders if the terms of the consent orders relating to properties at Nos. 3-5 Prospero Street, Murwillumbah are not complied with by 5pm, 17 July 2015; and
2. Further Land and Environment Court proceedings to seek costs in relation to both the Phillip and Warren Taylor proceedings recently determined for properties Nos. 1, 3 and 5 Prospero Street, Murwillumbah.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] 1-3 Bay Street Tweed Heads

Cr C Byrne declared a significant non-pecuniary interest in this item and left the meeting at 06.26PM and took no part in the discussion or voting on this matter.

The nature of the interest is that Cr Byrne has a family member who works for a party referred to in the report.

REASON FOR CONFIDENTIALITY:

This report discusses commercial opportunities and obstacles relating to the potential disposal of Council land.

Local Government Act

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

C 31

Cr B Longland
Cr P Youngblutt

RECOMMENDED that Council:

- a) Requests Herron Todd White to supplement their report by investigating and reporting on other potential investor/developer markets exist for the subject site;
- b) Undertakes a parking study of the Tweed Heads area to identify areas having the potential to intensify parking;
- c) Initiates the immediate re-classification of Lot 7035 DP 1053313 as operational land;

and when complete undertakes an expression of interest process as an initial step in a selective tender process to ascertain the level of interest that may exist for investor/developers from other sectors in the marketplace.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Byrne

Cr C Byrne has returned from temporary absence at 06:42 PM

C3 [CNR-CM] Tweed Heads Cultural Precinct

This item was moved from Confidential to Ordinary Session and was dealt with at Minute No 418.

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.42 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C4 [E-CM] 751 Eviron Road and Council Quarry and Landfill

REASON FOR CONFIDENTIALITY:

The report deals with the purchase of property and release of the information may affect the property dealings.

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.

C 32

Cr G Bagnall
Cr P Youngblutt

RECOMMENDED that Council;

1. Approves the purchase of 751 Eviron Road, Eviron comprised in Lots 17-18 DP820048 and Lot 30 DP820048 for the price and terms referred to in the body of the report; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

C5 [E-CM] Water and Sewerage Developer Charges/Excess Use Charges

REASON FOR CONFIDENTIALITY:

Disclosure of the information in this report may allow developers to construe or alter their developments such that Council is disadvantaged in the collection of s64 Developer Charges.

Further as the report is a proposal only, the publication of the report prior to Council consideration may cause developers to undertake lobbying to seek advantage at Council's expense or the expense disadvantage of other developers.

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.

C 33

Cr K Milne
Cr P Youngblutt

RECOMMENDED that Council:

1. Includes in Tweed Shire Council's Fees and Charges 2016/17 the Excess Use Charges for Water and Sewerage.
2. As an interim measure provides, subject to Council consent, the developers of subsequent (that is development after the initial development) commercial and industrial developments the option of paying the Excess Use Charges in lieu of upfront or deferred Section 64 Developer Charges.

The Motion was Carried

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt

AGAINST VOTE - Cr C Byrne,

417

**Cr K Milne
Cr P Youngblutt**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

ITEM MOVED FROM CONFIDENTIAL TO ORDINARY

REPORT FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

C3 [CNR-CM] Tweed Heads Cultural Precinct

418

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Proceeds with the development of a functional brief and business case for community cultural facilities at Tweed Heads based on the outcomes of the Cultural Plan and Community Infrastructure Network Planning.
2. Subject to the affirmative resolution of Council in regards to the report on 1-3 Bay Street Tweed Heads (comprised in Lots 8 Section 2 DP 759009, Lot 1 DP 880816 and Lot 7035 DP 1053313), proceeds with a cost benefit analysis of the commercial benefit and risks including opportunities for public/private partnership on the site for mixed public/private use.

3. Considers a further report on the outcomes of the functional brief, business case and cost benefit analysis for a public/private partnership on the site at 1-3 Bay Street Tweed Heads prior to calling for an expression of interest at this site.

AMENDMENT 1

419

**Cr K Milne
Cr G Bagnall**

PROPOSED that this matter be deferred to the next Council Meeting on 20 August 2015 to allow the report to be made available to the public.

The Amendment 1 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt

The Motion was **Carried** (Minute No 418 refers).

FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt

AGAINST VOTE - Cr K Milne, Cr G Bagnall

There being no further business the Meeting terminated at 7.49pm



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

Chairman

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