



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Minutes

Ordinary Council Meeting Thursday 17 September 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 5.27pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Kerrie McConnell (Minutes Secretary).

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 August 2015

479

**Cr C Byrne
Cr B Longland**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 August 2015 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 Minutes of the Ordinary Council Meeting held Thursday 3 September 2015

480

**Cr C Byrne
Cr B Longland**

RESOLVED that the Minutes of the Ordinary Council Meetings held Thursday 3 September 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 K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 30 [CS-CM] Special Rate Variation. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne will manage the Interest by staying in the Chair and assessing the matter on merit alone.

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 40 [QON-Cr K Milne] Cobaki Compliance. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne will manage the Interest by staying in the Chair and assessing the matter on merit alone.

MAYORAL ACCEPTANCE SPEECH

Firstly I would like to thank my fellow Councillors for endorsing me for this very important role.

It will be a hard act to follow the extraordinary job that Cr Gary Bagnall has done as Mayor. His contribution has been invaluable and he went far beyond the call of duty to serve this community.

I would have loved him to continue in the role but it was not just up to me.

As the first Green Mayor of the Tweed Shire I am extremely honoured and humbled.

I started advocating for the community of this Shire about 15 years ago and haven't stopped since.

In my first foray into politics I spent the Christmas of 2001 on the side of the road in Fingal taking surveys to stop over development of that beautiful seaside peninsula. Before I caught my breath we had to move round the corner to Chinderah to protect the Tweed River in a legal challenge against the mega marina.

It was heartening to realise from our efforts that justice could prevail, that the community had our backs, and that we could make a change if we threw our heart and soul into it.

Over that time I developed a deep love for this incredible environment and a deep appreciation for this amazing community.

When the Greens offered me a position as their candidate for Tweed Council in 2008 I took the plunge.

What motivated me ultimately to make the commitment to local government was the terrifying prospect of Climate Change. I felt that we all needed to step up to this monumental challenge, and if I didn't why should others?

Council is in a great position to be a leader in combating Climate change at the local level, and in combating the dangerous complacency the deniers advocate.

Politics can be very divisive but the one thing that unites this community, and I believe, makes us a community, is our common love for this land. We are blessed to live here, but with that we have a responsibility to care for this very fragile landscape. Our Shire has the worst record of loss of species in Australia already, and with hundreds more on the brink of extinction we can't afford to be reckless.

I am very aware that we also have major social and economic challenges. I am pleased that I was able to initiate Council's new Economic Development Strategy that has set a clear pathway to guide Council into the future. I am also pleased to have put on Council's list of reforms new plans for Murwillumbah and Fingal Head, and a strategy for our National Iconic Landscape to protect our scenic views.

I will continue to advocate for the community, and for a new style of development that enhances our wellbeing and helps to keep our planet and our community as safe and prosperous as possible.

2015/2016 RATES INCENTIVE SCHEME COMPETITION

The Rates Incentive Scheme is a small but integral component of Councils overall rate recovery policy, approximately 5900 ratepayers paid their rates in full for 2015/2016 rating year (40000 ratepayers in total).

The early payment of rates in full provides Council with an increase in its cash flow, enabling Council to create additional revenue from investments this additional revenue is used to provide increased funding for services.

The Mayor, Cr K Milne, conducted the draw for the 2015/2016 Rates Incentive Scheme Competition:

First Prize:

\$2500 Sustainable Home Package

Mrs Eusebia Hancock, Tweed Heads

Second Prize:

\$1500 Sustainable Home Package

Mr Stuart and Mrs Prue King, Casuarina

Third Prize:

\$1000 Sustainable Home Package

Mr Roger Graf and Ms Sue Klein, Fingal Head

Each sustainable home package can be tailored to suit the individual needs choosing from items such as solar power, solar hot water, rainwater tanks, window tinting, awnings, water efficient white goods, landscaping and more.

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

Nil.

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 August 2015

481

Cr K Milne

RESOLVED that the Mayoral Minute for the month of August 2015 be received and noted.

The Motion was **Carried**

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

5 [MM-CM] Council Committees - Delegates to September 2016

482

Cr P Youngblutt

Cr G Bagnall

RESOLVED that Council confirms the delegates to the following committees for the period ending September 2016:

Committee	Delegate	Alternate Delegate/s
Aboriginal Advisory	Cr Bagnall	Cr Milne Cr Longland
Arts Northern Rivers Board	Mayor	Cr Polglase
Audit	Cr Longland and Cr Byrne	
Australia Day	Mayor	

Committee	Delegate	Alternate Delegate/s
Destination Tweed	Mayor	
Equal Access Advisory	Cr Polglase and Cr Youngblutt	
Flood Plain Management	Cr Milne	Cr Bagnall
General Manager Review	All Councillors	
Gold Coast Airport Community Aviation Consultative Group	Cr Byrne	Cr Milne
Local Traffic	Cr Longland	Cr Bagnall
Northern Rivers Regional Organisation of Councils	Mayor	
Richmond - Tweed Regional Library	Cr Byrne and Cr Milne	Cr Bagnall
Rural Fire Service Liaison	Cr Byrne and Cr Youngblutt	
Far North Coast Bush Fire Management	Cr Youngblutt	Cr Byrne
Sports Advisory	Cr Youngblutt	Cr Polglase
Tweed Coastal	Cr Milne and Cr Longland	Cr Bagnall
Tweed Coast Koala Advisory Group	Cr Milne	
Tweed River	Cr Bagnall and Cr Milne	Cr Longland
Tweed River Regional Art Gallery Advisory	Cr Polglase and Cr Youngblutt	
Tweed River Regional Museum Advisory	Cr Longland	Cr Youngblutt
Mayor's Disaster Relief Fund	Mayor and Deputy Mayor	
OTHER		
Art Gallery Foundation	Cr Longland	

The Motion was **Carried**

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

RECEIPT OF PETITIONS

6 [ROP] Receipt of Petitions

483

Cr B Longland
Cr P Youngblutt

RESOLVED that the following tabled Petition(s) be received and noted:

- Petition containing 11 signatures in relation to "Council Rates Increase" as follows:

"I am writing to express my disappointment and frustration regarding the increase in council rates. As a pensioner, I really doubt that most politicians understand what pensioners go through to survive on such high living expenses, and how financially straining the council rates can be.

There is no longer satisfaction living in a hard earned home, when councils are trying to squeeze every penny out of home owners.

A couple of weeks ago, I received the bill for the council rates, and shockingly it has increased by nearly \$400 all in one go, and when I complained about this at the Tweed Heads council office, I was told that the increase was due to the increase in land value. Let's get this straight how am I making any profit from my land being more valuable, and how is it fair that the council is to make a profit from my land when I am not.

It is also ridiculous that the council rates increase every three years, and yet the pensioner discount has not changed since 1993. As a pensioner, would you expect me to say "thank you" for the discount, even though it has disappeared amongst the very high increase of Council rates?

I was told in Geoff Provest's office, that the pensioner discount is to remain always the same, and this was decided in 1993.

Okay, the pensioner discount remains the same because council does not make a profit from it, but the rates just keep shooting up in ridiculous amounts because council needs to make more profit from pensioners and hard working people.

Land values go up? So what? How does the home owner benefit from this, unless they decide to sell the land, and even if the land is sold, the council is charging enough rates to take that profit away. The only ones making a profit are the politicians, not hard working people or pensioners. How is the pensioner discount assisting pensioners, when the discount remains the same for decades, and the council rates are continuing to increase in large amounts.

Politicians and council representatives speak of wanting to help their communities and citizens, but they seem to be more interested in finding ways to fill up their own pockets. Perhaps doing things fairly, could be a step towards helping citizens, such as increasing also the pensioner discounts when council rates go up. Or even better, STOP trying to make a profit from people's lands, especially when they are not making any profit from it themselves. This situation is making people's lives financially and mentally straining, it is causing stress and worry for the future of our families.

Our neighbours and other members of our community have expressed the same concerns regarding the increase in council rates, and we ask you kindly to revise the increase in council rates, or take relevant steps towards assisting us in these financial issues discussed in this letter."

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Destination Tweed - Quarterly Report 1 April to 30 June 2015

484

**Cr K Milne
Cr B Longland**

RESOLVED that Council:

1. Endorses the Destination Tweed's Quarterly Report for the quarter April to June 2015.
2. ATTACHMENT 2 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 G Bagnall, Cr K Milne, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr C Byrne***

8 [GM-CM] Visitor research report 2015 TASTE of Kingscliff and Tweed Coast

485

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Council:

1. Receives and notes the Visitor research report 2015 TASTE of Kingscliff and Tweed Coast; and
2. Agrees to endorse the event organiser's expression of interest application to Destination NSW for Regional Flagship Funding.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Development Application DA14/0908 for a Carport and Verandah Additions and Various Alterations to Unit 1 at Lot 1 Sec 3 DP 413085 No. 84 Tweed Coast Road, Pottsville

486

Cr C Byrne
Cr P Youngblutt

RESOLVED that Development Application DA14/0908 for a carport and verandah additions and various alterations to Unit 1 at Lot 1 Sec 3 DP 413085, No. 84 Tweed Coast Road Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as listed in the table below, except where varied by the conditions of this consent.

Title	Prepared by	Dated
Site Plan, Site Analysis, Shadow Diagram and Western Elevation (Sheet 1 of 7)	Parameter Designs	30 June 2015
Proposed Ground Floor Plan (Sheet 3 of 7)	Parameter Designs	30 June 2015
Northern, Southern and Western Elevation (Sheet 4 of 7)	Parameter Designs	30 June 2015
Roof Plan, Section AA (Sheet 6 of 7)	Parameter Designs	30 June 2015

[GEN0005]

2. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.

[GEN0015]

3. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

4. Bushfire Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (a) Construction shall comply with Australian Standard AS3959-2009 'Construction of Buildings in Bush Fire-Prone Areas', Bushfire attack Level (BAL) 29 (Level 3 construction) for all new work.

[GEN0335]

5. Bushfire Landscaping

- (a) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

[GEN0340]

6. Within 30 days of the date of this consent, an application for a Building Certificate shall be submitted to Council for approval, together with the appropriate fee for all works carried out prior to approval being obtained.

[GENNS01]

7. Finished colours and materials shall be consistent with the existing building.

8. The front fence shall have a 60% openness ratio above 600mm for the first 2 metres along the boundary adjacent to the driveway to achieve pedestrian and traffic sight lines as set out in AS2890.

9. The installation of any further impervious area at the site is prohibited.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

11. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

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

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

- (b) the person having the benefit of the development consent has:

- (i) appointed a principal certifying authority for the building work, and

- (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

14. Residential building work:

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

out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

15. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

16. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

17. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

18. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

[DUR0005]

19. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0375]

21. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

22. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

23. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

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

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

[DUR1005]

25. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

26. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

27. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

28. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

USE

29. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

30. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

The Motion was **Carried**

FOR VOTE - Unanimous

10 [PR-CM] Combined Development Application and Planning Proposal for Expansion of the BP Highway Service Centre at Chinderah (Southbound Lane)

487

**Cr K Milne
Cr G Bagnall**

RESOLVED that Planning Proposal PP15/0001 (version 3) for Lot 1 DP 1127741 and Lot 2 DP 1010771, being *Tweed Local Environmental Plan 2014 Amendment No. 12*, be deferred for a workshop and invite representatives from the local resident's submissions.

The Motion was **Carried**

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

11 [PR-CM] Future Use of Former Australian Volunteer Coast Guard Association, Kingscliff Flotilla, Training and Boat Storage Facility

488

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Council, in relation to the nominated facilities, takes the following actions:

Kingscliff Training and Boat Storage Facilities at Ed Parker Rotary Park located within Lot 287 DP 542598 Kingscliff.

1. Invite expressions of interest for lease arrangements of the training and boat storage facility, and to specifically address selection criteria including, proposed shared use, community benefit and cost recovery; and

2. Evaluate the expressions of interest received and report back to Council for a determination of a preferred use.
3. Give consideration to negotiate with all parties who wish to use the building for combined use.

Kingscliff Flotilla Communications Tower, Faulks Park, located within lot 2 DP 112062, Crown Reserve 10001008 Kingscliff.

1. Note that a further report will be brought back to the Tweed Coast Reserves Trust and Council for the consideration on future operational needs for this facility.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] Amendments to the Vegetation Vandalism on Public Land Policy

489

**Cr B Longland
Cr K Milne**

PROPOSED that Council places the amended Vegetation Vandalism on Public Land Policy (Version 2.1) on public exhibition for 28 days with receipt of submissions accepted for 42 days from the commencement date of exhibition.

AMENDMENT

490

**Cr C Byrne
Cr W Polglase**

RESOLVED that the amended Vegetation Vandalism on Public Land Policy (Version 2.1) be deferred for Council Officers to clearly define the timeframes that the signs are erected at the site/s and the draft Policy be brought back to a future Council meeting.

The Amendment was **Carried**

FOR VOTE - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No 490 refers)

FOR VOTE - Unanimous

13 [CNR-CM] Northern Rivers Biohubs Project

491

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council notes the inclusion of Murwillumbah and surrounds in the Northern Rivers Biohub investigation funded through Office of Environment and Heritage and Regional Development Australia – Northern Rivers into biomass and bioenergy opportunities.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Bruce Chick Park

492

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council undertakes the following actions at Bruce Chick Park:

1. Removes the existing shelter, including toilets, access road and carpark with the rehabilitation of this area into an arboretum and the installation of interpretative and information signage and shelters at the park entry to perform as a short term visitor/rest area. The existing park entry is to be retained as a day use car park.
2. Restricts visitation to day use only and regulate overnight stays and camping.
3. Installs a lockable swing gate at the park entry to prevent vehicular access. The gate is to be locked every afternoon and appropriate signage installed to notify of closing times. The locking of the gate may be reviewed if the instances of overnight stays appear to be controlled.
4. Implementation of items 1 to 3 to commence after notifications of the planned changes have been displayed within the park for a one month period and commence with blocking vehicular access to the park and installing and managing the entry gate.

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***

15 [CNR-CM] Arkinstall Park Stage 2 Concept Design

493

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council adopts the Arkinstall Park Stage Two Master Plan and Concept Design and proceeds to seek development approval and undertakes a comprehensive cost benefit analysis.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Community Halls Policy

494

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that Council adopts the Community Halls Policy Version 1.1.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] First Round Applications for Financial Assistance 2015-2016 - Donations Policy

495

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council allocates the First Round Donations for 2015-2016 under the Donations Policy as follows:

Applicant	Amount	CSP/DP Linkage
Fred's Place	\$2,000	2.1.1
Friends of the Hound Inc.	\$2,000	4.1.3
Murwillumbah Community Centre Inc.	\$2,000	2.1.1
Thrive 2484 (auspiced by The Family Centre)	\$2,000	3.1.4
Tweed Heads Community Men's Shed Inc.	\$2,000	2.1.1
Tweed Theatre Company Inc.	\$1,000	2.1.1

Applicant	Amount	CSP/DP Linkage
Uki and South Arm Historical Society Inc.	\$515	2.1.3
Uki Out of School Hours Centre	\$2,000	2.1.1
TOTAL	\$13,515	

The Motion was **Carried**

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

18 [CNR-CM] Tweed Regional Art Gallery - Fees and Charges

496

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. The 2015/2016 schedule of fees for hiring the Peter and Judy Budd Foyer be removed.
2. The proposed 2015/2016 Gallery Café Function Fee of \$5.00 per person (up to 50 persons) or \$10.00 per person (over 50 persons) up to a maximum of \$500 be placed on public exhibition for 28 days inviting submissions in accordance with Sections 608 and 610F of the Local Government Act 1993.
3. The proposed 2016/2017 Nancy Fairfax Artist in Residence Studio Rental Fee be increased from \$230.00 per week to \$300 per week to commence from 1 July 2016, be placed on public exhibition for 28 days inviting submissions in accordance with Sections 608 and 610F of the Local Government Act 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

PROCEDURAL MOTIONS

497

Cr W Polglase
Cr P Youngblutt

RESOLVED that Items 19 to 23 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

498

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Items 19 to 23 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [E-CM] Road Closure - Arkinstall Park, Tweed Heads South

499

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council executes all necessary documents under the Common Seal of Council in relation to the closure of Hourigan Street and Robert Street, Tweed Heads South known as Lot 1 DP1211294.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [E-CM] Road Naming - Spotted Gum Road, Piggabeen

500

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council adopts the name of Spotted Gum Road being the public road reserve running through Lot 470 in DP 755740 as Spotted Gum Road.
2. The naming of the road be gazetted under the provisions of the Road (General) Regulation 2008 and the Roads Act 193.
3. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [E-CM] Renaming of Council Public Road - Bogong Street, Terranora

501

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council seeks written submissions from the Aboriginal Advisory Committee for the renaming of Bogong Street at Terranora as gazetted on 22 August 2014.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [E-CM] Land Acquisition - Numinbah Road, Kynnumboon

502

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council approves the acquisition of Lots 1-3 in DP1206755 with land owners agreement for the purpose of public road under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 and the making of the necessary application to the Minister and/or Governor, and;
2. Council approves the acquisition of Lot 4 in DP1206755 with land owners agreement for the purpose of compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 and the making of the necessary application to the Minister and/or Governor, and;
3. Council approves the total compensation for the acquisition as noted in the body of the report; and
4. Lots 1-3 in DP1206755 be dedicated as road following gazettal of the acquisition; and
5. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [E-CM] Classification of Land for Drainage Reserve - Pottsville

503

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council approves the transfer of proposed Lots 1748 and 1749 in the plan of subdivision of Lot 1540 in DP 1207462 at Pottsville.
2. Council classifies proposed Lots 1748 and 1749 in the plan of subdivision of Lot 1540 in DP 1207462 at Pottsville as operational land.
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [E-CM] RFP2015-081 Supply of Five (5) Mobile Worksite Amenity Units

504

**Cr K Milne
Cr P Youngblutt**

RESOLVED that in respect to Contract RFP2015-081 called for the Supply of Five (5) Mobile Worksite Amenity Units:

1. Council awards the contract to 'Traymark Industrial Caravans Pty Ltd' (ABN 75131751883, ACN 131751883) for the amount of \$160,275 (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 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:-
 - (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

25 [E-CM] NOROC Joint Procurement Process

Cr W Polglase temporarily left the meeting at 06:10 PM.

505

**Cr P Youngblutt
Cr B Longland**

RESOLVED that:

1. Council resolves to accept the report contents and recognise that under certain circumstances, regional procurement will provide Tweed Shire Council with benefits and therefore supports this approach.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

26 [E-CM] Policy - Discharge of Liquid Trade Waste to the Sewerage System

506

**Cr P Youngblutt
Cr K Milne**

RESOLVED that Council adopts the Policy *Discharge of Liquid Trade Waste to the Sewerage System (Version 2.0)* as exhibited without any further changes.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

27 [E-CM] Policy - Rainwater Tanks In Serviced Areas

507

**Cr P Youngblutt
Cr B Longland**

RESOLVED that Council adopts *Rainwater Tanks in Serviced Areas (Version 3.0)* as exhibited without any further changes.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

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

508

**Cr P Youngblutt
Cr K Milne**

RESOLVED that Council adopts the following fees and charges as publicly exhibited:

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) (Refer to Item 135)	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 annual renewal	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
		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
ABSENT. DID NOT VOTE - Cr W Polglase

29 [E-CM] Tweed Coastal Creeks Floodplain Risk Management Study and Plan

Cr W Polglase has returned from temporary absence at 06:12 PM

509

Cr P Youngblutt
Cr C Byrne

PROPOSED that the draft Tweed Coastal Creeks Floodplain Risk Management Study and Plan be placed on public exhibition for a 6 week period.

AMENDMENT

510

Cr K Milne
Cr B Longland

RESOLVED that:

1. The draft Tweed Coastal Creeks Floodplain Risk Management Study and Plan be placed on public exhibition for a 6 week period.
2. A report be brought back on the potential for new developments to offset their flood impacts by assisting other rural landholders in the affected catchment improve flood absorption capacity.

The Amendment was **Carried** on the Casting Vote of the Mayor (Minute No 510 refers).

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

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

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor - (Minute No 510 refers)

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

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

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

30 [CS-CM] Special Rate Variation

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 30 [CS-CM] Special Rate Variation. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair.

511

Cr B Longland

Cr K Milne

RESOLVED that Council:

1. Acknowledges LEDA Manorstead Pty Ltd's preference in support of a Special Rate Variation to meet condition of consent for the Concept Approval (MP06_0316), Project Approval (MP08_0200), Development Application 10/0800, and any future Development Applications for the site.
2. Prepares, with input from LEDA Manorstead Pty Ltd, a Special Rate Variation application to Independent Pricing and Regulatory Tribunal (IPART).

The Motion was **Carried**

FOR VOTE - Unanimous

31 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors - Policy Review

512

Cr P Youngblutt
Cr B Longland

RESOLVED that Council in accordance with the provisions of Section 253(1) of the Local Government Act 1993, places on public exhibition for at least 28 days the Draft Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy, Version 2.0.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [CS-CM] In Kind and Real Donations - April to June 2015

513

Cr P Youngblutt
Cr K Milne

RESOLVED that Council notes the total in kind and real donations of \$59,046.76 for the period April to June 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 31 August 2015

514

Cr B Longland
Cr P Youngblutt

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 August 2015 totalling \$230,284,306 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

34 [NOM] Review of Operations: Aquatic Facilities Murwillumbah, Tweed Heads South and Kingscliff including Income and Expenditure, Operating Hours (Peak Season and Off Season)

515

Cr C Byrne

Cr P Youngblutt

RESOLVED that Council officer's provide a report on the three Aquatic Facilities including but not limited to the following:

1. Practical options to reduce hours across all three facilities from the first of May each year to the beginning of September including a reduction of no less than twenty (20) hours per week at each facility and no more than thirty (30) hours per week over this May to September timeframe each year, or another model considered viable by officers; and
 - Full costing of any and all options;
 - The benefits and detriments to any and all options;
2. All pools are to remain open seven (7) days per week, excluding the standard historical pool closures;
3. At least a two (2) year history of how many persons attend squads over the peak swimming season and a comparison to the off season;
4. A two (2) year history of any and all swim programs (learn to swimming classes, school carnivals, regional carnivals conducted at all pools);
5. A list of all other user groups from each centre and information of how this data is gathered (a season ticket holder, casual entry, etc);
6. The possibility of supplying vending machines (self-serve only) at the centres and removing all food and beverage sales by aquatic staff and or reception staff, (Café at Murwillumbah an exception);
7. A detailed list of all merchandising sold including the cost of all merchandising and sales of same;
8. A confidential report on any and all security breaches over the past two (2) years including Break and Enter, Theft, Malicious Damage, Graffiti and Council's response to and costs of these matters;
9. Detailed cost of all repairs and maintenance conducted at each pool over the past two (2) years, all new assets and costs for same over the same period; and

10. Consideration to a tendering process for the Murwillumbah Pool Café to a not for profit incorporated association.

The report is to be an item on the Ordinary Agenda no later than December 2015; it is to be conducted in open Council, other than any economic information that may give competing businesses an economic advantage, which will be managed in confidential council; and

Any and all changes are to be implemented as of 1 May 2016 after consultation with residents and users of these facilities.

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***

35 [NOM] Refugee Council of Australia

516

**Cr B Longland
Cr K Milne**

RESOLVED that Council joins the initiative of the Refugee Council of Australia in making a declaration that Tweed be identified as a Refugee Welcome Zone.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.37pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.29pm.

36 [NOM] Coal Seam Gas and Fossil Fuel Investments

517

**Cr K Milne
Cr G Bagnall**

PROPOSED that the Mayor writes to the major four banks to express Council's concerns about Coal Seam Gas and the fossil fuel industry, and request they consider divesting from

these industries and providing greater support for renewable energy and ethical investments.

The Motion was **Lost**

FOR VOTE - Cr G Bagnall, Cr K Milne

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

37 [NOM] Social Housing and Housing Affordability

518

Cr K Milne

Cr G Bagnall

RESOLVED that Council writes to the Minister for Housing to highlight the dire state of homelessness and lack of affordable housing in the Tweed Shire, and seeks a meeting to gain their assistance in addressing the situation.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

38 [NOM] Improving Community Consultation

519

Cr K Milne

Cr G Bagnall

RESOLVED that this item be deferred to a future Council meeting to allow the appropriate technology changes to be appraised:

On the Council website, when an item is loaded for 'On Exhibition', to add in a field in for Anticipated Council Determination Meeting (if known): (with a supporting disclaimer that dates may change at any time without notice).

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

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

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

QUESTIONS ON NOTICE

39 [QON-Cr K Milne] School Bike Routes in Shire

Councillor K Milne asked:

Has Council identified school bike routes around the Shire, and if so, what stage or percentage completion are these at in regard to establishment and safety?

The Director Engineering responded that the Tweed Shire has approximately 34 Primary Schools and 8 High Schools.

Children under 12 years of age are allowed by law to ride on all footpaths regardless of whether it is designated as a Shared User Path. The Tweed has an extensive network of off road Shared User Paths and footpaths. There are a number of rural schools, for example Duranbah, Dungay and Aetaomah School, where the provision of footpaths or cycleways is unreasonable and are unlikely to be utilised.

Council has a Bike Plan that has formed the basis of new infrastructure provision for the last 20 years. However, this plan is scheduled for revision this financial year. Schools, as an attractant, would be a criterion when developing a bike plan.

Officers consider that the decline in the numbers of children cycling and walking to schools is not necessarily directly correlated to the provision of cycleways and footpath infrastructure, but rather a societal trend across Australia which may be attributed to many factors.

40 [QON-Cr K Milne] Cobaki Compliance

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 40 [QON-Cr K Milne] Cobaki Compliance. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair.

Councillor K Milne asked:

Can Council provide an update on the Cobaki compliance issues in regard to the submerged saltmarsh and wetlands?

The Director Planning and Regulation responded that with regard to the Saltmarsh and impacts resulting from the construction of the roadway known as the Missing Link by Leda, the Department of Planning & Environment (the Department) as Consent Authority has chosen to resolve any outstanding matters through the submission, approval and implementation of the Final Saltmarsh Rehabilitation Plan (FSRP), rather than taking any further direct compliance action at this stage.

Condition 65 of the Project Approval was amended under Mod 3 (February 2015), requiring the FSRP to be submitted within 3 months of the approval of Mod 3. The FSRP is to include

a detailed analysis of the existing conditions, monitoring and reporting requirements, as well as maintenance and rehabilitation measures, with the Plan being peer reviewed by an appropriately qualified scientist prior to lodgement with the Department.

Implementation of the FSRP is required to be commenced upon approval of the Plan.

Leda submitted various versions of the FSRP in July and August 2015, but these were not accepted, with additional information being required by the Department on 25 August 2015.

The most recent advice from the Department's Compliance Unit (dated 17 September 2015) in relation to this matter requires Leda to submit the FSRP by close of business 1 October 2015.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

PROCEDURAL MOTIONS

520

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Items 41 to 45 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

521

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Items 41 to 45 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

41 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 10 August 2015

522

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Sports Advisory Committee Meeting held Monday 10 August 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

Business Arising:

Sports Field Wet Weather Policy

That Council adopts the Sports Field Wet Weather Policy as placed on exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 August 2015

523

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Friday 12 August 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB1.Climate Change

"That Robert Quirk be invited to address Council at a workshop on the topic of farming and climate change in the Tweed."

The Motion was **Carried**

FOR VOTE - Unanimous

43 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 August 2015

524

**Cr B Longland
Cr P Youngblutt**

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 August 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

44 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 27 August 2015

525

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 27 August 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] Murwillumbah Food Fest - Tweed's Biggest Dinner Party, Murwillumbah Street, Wharf Street, Brisbane Street

That the proposed road closure for the Murwillumbah Food Fest - Tweed's Biggest Dinner Party on Saturday 5 December 2015 be supported, subject to:

1. Compliance with the proposed works safety management plan for drainage works in Murwillumbah Street which are scheduled to occur at this time
2. NSW Police approval being obtained
3. Approval of the event by Council
4. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons
5. Community and affected business consultation addressing raised concerns
6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event

- name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
7. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
 8. Adequate public liability insurance being held by the event organiser
 9. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
 10. Consultation with emergency services and any identified issues addressed
 11. Arrangements made for private property access and egress affected by the event
 12. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details

A2 [LTC] Murwillumbah Food Fest - Murwillumbah Street, Wharf Street, Queen Street

That the proposed road closure for the Murwillumbah Food Fest on Friday 25 September 2015 to include Murwillumbah Street (from the Courthouse Hotel) including Wharf Street to the intersection of Commercial Road incorporating part of Queen Street south of Church Lane be supported, subject to:

1. Compliance with the proposed works safety management plan for drainage works in Murwillumbah Street which are scheduled to occur at this time
2. NSW Police approval being obtained
3. Approval of the event by Council
4. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons
5. Community and affected business consultation addressing raised concerns
6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
7. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
8. Adequate public liability insurance being held by the event organiser
9. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
10. Consultation with emergency services and any identified issues addressed
11. Arrangements made for private property access and egress affected by the event
12. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details

A4. Florence Place, Tweed Heads

That:

1. The designating of on road parking spaces for the use of the Opal Florence Tower residents is not supported as this should be provided on site.
2. Florence Place be signposted to indicate one way traffic flow, entry by the western leg and exit by the eastern leg.

The Motion was **Carried**

FOR VOTE - Unanimous

45 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 28 August 2015

526

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Floodplain Committee Meeting held Friday 28 August 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

1. Draft Tweed Coastal Creeks Floodplain Risk Management Study & Plan

"That Council:

1. *Endorses the draft Coastal Creeks Floodplain Risk Management Study as the basis for public exhibition for a period of six weeks.*
2. *Makes a presentation on the draft Coastal Creeks Floodplain Risk Management Study to the Tweed River Committee."*

2. SES Items for Discussion

"That Council:

1. *Organises a workshop with Council staff, State Emergency Service (SES) officers and consultants Worley Parsons to better utilise WaterRIDE software to provide property specific flood information linked to gauges and likely evacuation routes.*

2. *Organises a workshop with Council staff, Office of Environment and Heritage (OEH) representatives and SES officers to review the process and outcomes of the evacuation capability assessment undertaken as part of the Tweed Valley Floodplain Risk Management Study and Plan.*
3. *Supports the SES in the preparation of a ministerial briefing paper to illustrate the flood risk in the Lower Tweed in major to extreme flood events and associated resourcing limitations of the SES as combat agency, and raises these emergency response issues in future meetings with State Members and relevant Ministers on behalf of the SES."*

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

527

**Cr P Youngblutt
Cr K Milne**

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 GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Sale of Murwillumbah Cattle Sale Yards

REASON FOR CONFIDENTIALITY:

This report is confidential due to the commercial in confidence nature of this report.

Local Government Act

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

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

C 37

That Council:

1. Approves serving the current purchaser with a Notice of Termination of the contract for the sale of the Murwillumbah Cattle Saleyards dated 24 February 2014;
2. Advises the current purchaser of Council's decision to terminate the contract and citing reasons for doing so;
3. Refunds the monies paid by the purchaser to Council less all allowable deductible expenses incurred by Council to the current purchaser, including any outstanding debts;
4. Terminates the existing lease with Sanrioz Pty Ltd for the Murwillumbah Cattle Saleyards;
5. Enters into a lease with George & Fuhrmann on a month by month basis whilst long term lease arrangements are completed;
6. Authorises the General Manager to enter into negotiations with George & Fuhrmann for the long term lease of the Murwillumbah Cattle Saleyards at a rate that reflects the current market; and
7. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

C2 [GM-CM] Potential Purchase - 46 Honeyeater Ct, Murwillumbah

REASON FOR CONFIDENTIALITY:

This report is confidential due to the commercial in confidence information contained within.

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 38

That:

1. Council authorises the General Manager to bid for the purchase of 46 Honeyeater Circuit, Murwillumbah, (Lot 11 DP1160635) at the auction scheduled for 21 September 2015 to an agreed upper limit as described in the report plus 10%.
2. Any documentation associated with this transaction is to be executed under the Common Seal of Council.

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C3 [PR-CM] Class 2 Appeal SEP14/0104 Hillpalm Pty Ltd - Lot 151 DP 630766 Tuckeroo Lane, Tanglewood

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (a) personnel matters concerning particular individuals (other than councillors).
- (e) information that would, if disclosed, prejudice the maintenance of law.

C 39

That Council:

1. Engages its solicitors (DLA Piper Australia) to represent Council in the Class 2 Appeal to meet our statutory obligations for the SEP14/0104 (Case Number 15/20727).
2. Concurrently engages consultants to undertake a third party review of the proposed on-site sewerage management system with a view to better guide our defence or determine whether the application could be conditionally approved under consent orders if the project can be justified on an environmental basis.

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

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C4 [E-CM] Water and Sewerage Developer Charges / Excess Use Charges

REASON FOR CONFIDENTIALITY:

The report deals with a proposed change to methods of levying Developer Charges. Disclosure of the report at this time may lead businesses to restructure proposed development to their commercial advantage at the expense of Council.

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 40

That Council:

1. Does not pursue the recovery of s64 Developer Charges for Exempt and Complying Developments undertaken prior to 22 February 2014.
2. Seeks the payment of s64 Developer Charges for developments after February 2014 until 16 July 2015 where the existing lot entitlement will be exceeded by more than 1ET (presently \$19,108).
3. For developments after 16 July 2015, provides the options of payment of further s64 Developer Charges or Excess Use Charges consistent with Council resolution of 16 July 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C5 [CS-CM] Audit Committee Charter

REASON FOR CONFIDENTIALITY:

Contains sensitive information with regard to the membership of the Audit Committee

Local Government Act

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

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

C 41

That Council adopts the:

1. Audit Committee's proposed amendments to the Audit Committee Charter, Version 1.7, without the requirement of being publicly advertised, as the amendments only affect the internal workings of Council, and
2. Appoints Keith Blinco as a third independent member to the Audit Committee, noting that the previous alternate member appointment was conducted through an expression of interest process.

The Motion was **Carried**

FOR VOTE - Unanimous

528

Cr P Youngblutt

Cr K Milne

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.20pm.



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

Chairman