



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 20 August 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 and Cr W Polglase.

Also present were Ms Liz Collyer (Director Corporate Services on behalf of General Manager), Mrs Suzanne Richmond (Manager Human Resources on behalf of Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (Manager Development Assessment and Compliance on behalf of 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 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 Bob Spence from Conxions Church, Murwillumbah.

"Successful and unsuccessful people do not vary greatly in their abilities. They vary in their desires to reach their potential." - John Maxwell.

Father today we pray your blessing upon all those here today who represent our community and pray your guidance upon each one that they may be a blessing to all they represent.

We pray for your wisdom to be imparted to each councillor today ... that God given, God ordained, God birthed ideas will come forth. And that each and every one will fulfil their purpose in this place today.

We ask it all in Jesus Wonderful and precious Name.

Amen"

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Meeting held Thursday 16 July 2015

421

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 July 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
ABSENT. DID NOT VOTE - Cr K Milne***

2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 6 August 2015

422

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 6 August 2015 be adopted as a true and accurate record of the proceedings of that meeting.

The Motion was Carried

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

APOLOGIES

The Mayor advised that Cr K Milne was an apology for the meeting.

DISCLOSURE OF INTEREST

Cr P Youngblutt declared a Pecuniary Interest in Item 23 [E-CM] RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites. The nature of the interest is that Cr P Youngblutt has a relation involved in the tender process.

Cr P Youngblutt advised that he will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions

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

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for July 2015

423

Cr G Bagnall

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

The Motion was **Carried**

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

AGAINST VOTE - Cr C Byrne

ABSENT. DID NOT VOTE - Cr K Milne

a4 [MM-CM] Mayoral Minute Planning Proposal Mooball

424

Cr G Bagnall

PROPOSED that the Mayoral Minute dealing with a submission relating to PP01-007 - Mooball Planning Proposal be received and noted.

The Motion was **Lost**

FOR VOTE - Cr G Bagnall

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

ABSENT. DID NOT VOTE - Cr K Milne

b4 [MM-CM] Mayoral Minute Notice of AGM Australian Coastal Councils Association, 17 September 2015

425

Cr G Bagnall

RESOLVED that:

1. The Mayoral Minute Notice of AGM Australian Coastal Councils Association to be held on 17 September 2015 be received and noted and a proxy form be completed and submitted.
2. Cr B Longland be nominated for Committee of Management.
3. Arrangements for a proxy vote to be confirmed and advised to the AGM convenor.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

426

Cr G Bagnall

Cr P Youngblutt

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

- Petition containing 18 signatories and 7 form letters advising that:

"We the Undersigned have signed this petition because of the Loss of Amenity in our neighbourhood due to Excessive Noise Pollution by unduly Loud Motorbikes from a near-by property 1091 Kyogle Road, Uki.

We request the Tweed Shire Council to cause the perpetrators to stop the noise."

The Motion was **Carried**

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

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Councillor Casual Vacancy

427

Cr C Byrne
Cr W Polglase

RESOLVED that the advice from the Chief Executive – Office of Local Government under delegation from the Minister for Local Government and pursuant to Section 294(2)(a) of the Local Government Act 1993, has been determined to order the casual vacancy in civic office not be filled, be received and noted.

The Motion was **Carried**

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

7 [GM-CM] Local Government NSW Annual Conference - Motions

This item was dealt with in conjunction with Addendum Item a7 (Minute No 428 refers).

a7 [GM-CM] Local Government NSW Annual Conference - Motions

428

Cr B Longland
Cr P Youngblutt

RESOLVED that Council submits the following motions for consideration at the Local Government NSW 2015 Annual Conference:

1. **Data/Policy Sharing**
Council proposes that there be a shared facility established by Local Government NSW to enable member Councils to access like Policies.
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2. **Landscaping – Roads and Maritime Services**

Council requests the Association liaise with the Roads and Maritime Services to request a review of the adequacy of landscaping along the freeways and highways within New South Wales, with a view to improving the landscaping to Best Practice Principles.

3. **Non Voter Fines**

That LGNSW Executive, make representation to the NSW Minister for Local Government, requesting the return of non-voter fines, collected by the State Government from electors who do not vote in Local Government elections. The return of these fines to the Local Council where the non-voter is enrolled, would contribute towards the Election Management Fees paid by councils for the elections to be conducted.

4. **NSW State Government Homelessness and Housing**

Tweed Shire Council calls on the NSW State Government to take the lead to provide targeted support services in tackling the increasing homelessness issue and the lack of crisis accommodation and social housing, to provide targeted support services for people who find themselves homeless.

5. **Classification of Major Urban Centres – Arterial Road Funding**

That the Association request the NSW roads and Maritime Services to review its classification threshold of 100,000 persons for Major Urban Centres which limits the RMS responsibility for major arterial roads to Sydney, Newcastle, Wollongong and the Central Coast (Gosford and Wyong LGAs) in light of the population pressures which many local authorities are experiencing, the cost to construct this infrastructure and the high corresponding development charges.

6. **Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2012 – Consultation Draft**

That the Association request the NSW Government expedite the completion of the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2012 which have yet to be approved by the Minister and have therefore cast an enormous amount of uncertainty for Local Water Utilities and the framework for charging Developer Contributions.

7. **Exempt and Complying Development Approvals Process**

That the State Government be called upon to advance more streamlined exempt and complying development approvals processes, particularly for new single dwellings and house renovations, through either a simplification of the Codes SEPP, or a further review of the Environmental Planning and Assessment Act, to create just one application for smaller, less impacting residential developments, and replace the existing dual development application/construction certificate requirement.

8. **Environmental Zones (E Zones)**

That the Association requests the State Government to take the following immediate action in terms of environmental zones (E Zones) for Far North Coast Councils to:

- 1) Permit the use of E Zones for situations that can be justified by the evidence, agreed by the landholder, and do not affect agriculture;

- 2) Finalise the E Zone review as soon as possible, so councils can review and update their LEPs
- 3) Provide affected councils with a timeline on the finalisation of the E Zone review and a clear timeline for implementation.

The Motion was **Carried**

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

8 [GM-CM] Structural Reform of Northern Rivers County Councils

429

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Informs the Minister for Local Government that it supports the proposal to merge Far North Coast County Council, Richmond River County Council and Rous County Council.
2. Council authorise the General Manager, should the restructure occur, to negotiate a service level agreement with the new entity for the provision of noxious weeds management services for an initial period of two years with a further two year option.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Expression of Interest - Development and Licence for a new Rehoming Centre in conjunction with Tweed Council's existing Animal Pound, Stotts Creek

430

Cr C Byrne
Cr P Youngblutt

RESOLVED that in respect to Contract RFP2015054 Expression of Interest - Development and Licence for a new Animal Rehoming Centre in conjunction with Tweed Council's existing Animal Pound Stotts Creek:

1. In accordance with the NSW Independent Commission Against Corruption (ICAC) document, "Direct Negotiations, Guidelines for Managing Risk in Direct Negotiations", that Council accepts the Expression of Interest submitted by Friends of the Pound (Tweed) Inc. ABN 83 126 970 338 and enters into direct negotiations to seek agreement on licencing/leasing arrangements;
2. The outcomes of the negotiations referred to in Point 1 be reported back to Council when finalised for review and endorsement;
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

ABSENT. DID NOT VOTE - Cr K Milne

10 [PR-CM] Planning Proposal PP10/0007 Mooball Planning Proposal

ALTERNATE MOTION

431

Cr B Longland
Cr C Byrne

RESOLVED that:

1. The concept layout plan prepared by the proponents and exhibited be acknowledged as conceptual only and that any future development application be based upon the detailed assessments outlined in point 4 below.
 2. A public hearing under Section 57(5) of the Environmental Planning & Assessment Act 1979 not be held in relation to the issues raised by way of submission as the issues are not of such significance to warrant a public hearing.
 3. The Planning Proposal be amended to incorporate the recommendations detailed within table 3 of this report (recommended post exhibition Planning Proposal amendments), with the exception of items 1, 3 & 7.
 4. The additional studies and information referred to in item 3 and 6 of the Council resolution of the meeting of 21 November 2013 relating to further detailed site investigations and provisions relating to Lot B are not required as part of this Planning Proposal, and all commitments of the proponent made in relation to Lot B are to be
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contained in a legally enforceable Voluntary Planning Agreement (VPA) as detailed in item 5 of Table 3 to this report. In addition, the proponents must also include within the VPA a commitment to undertake detailed flooding, geotechnical and bushfire assessments as part of any future development application to the satisfaction of Council before any development can be approved.

5. Following satisfactory completion of a Draft VPA referred to in Point 4, Council will proceed to finalise the Planning Proposal and refer it to the Minister for Planning & Environment in accordance with Section 58(2) of the Environmental Planning & Assessment Act 1979 for their determination.
6. Council proceeds to assist the proponent, where necessary, to finalise the Draft VPA and proceed to publicly exhibit the Draft Agreement for 28 days in accordance with Section 93(g) of the Environmental Planning & Assessment Act 1979, following which the VPA will be formally determined.
7. The commitments given to Council at the Councillor's workshop of 11 June 2015 by the proponents in regard to providing detailed guidelines on housing typology, materials, landscaping and architectural stylistic or character features that are representative of the local area are to be also incorporated within their VPA.

The Motion was **Carried**

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

AGAINST VOTE - Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne

LATE ITEM

432

Cr P Youngblutt

Cr W Polglase

RESOLVED that Item a10 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

a10 **[PR-CM] Unauthorised Works at Lot 2 DP 1060215 Soorley Street Tweed Heads South**

433

Cr P Youngblutt

Cr C Byrne

RESOLVED that:

1. Council, in respect of the alleged unauthorised use affecting the premises, Lot 2 DP 1060215 Soorley Street, Tweed Heads South, instruct its solicitors to write to the owners of the site requesting information to demonstrate existing use rights for agriculture.
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
ABSENT. DID NOT VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

11 [CNR-CM] Draft Policy - Graffiti Vandalism Management

434

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council adopts the Draft Graffiti Management Policy as exhibited.

The Motion was **Carried**

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

PROCEDURAL MOTIONS

435

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Items 12 to 24 (including Item a16 onto the Agenda), with the exception of Item 23, be considered in block.

The Motion was **Carried**

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

436

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Items 12 to 24 (including Item a16 onto the Agenda), with the exception of Item(s) 23, be moved in block.

The Motion was **Carried**

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

12 [CNR-CM] Tweed Regional Museum Redevelopment 1st Anniversary Update

437

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council:

1. Notes the update on the Tweed Regional Museum activities.
2. Notes and endorses the development of a new Service Agreement between Council and Historical Societies in relation to the Tweed Regional Museum.

The Motion was **Carried**

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

13 [CNR-CM] Adoption of new Strategic Business Plan for Tweed Regional Gallery & Margaret Olley Art Centre 2016-2018

438

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council adopts the Tweed Regional Gallery Strategic Business Plan 2016-2018.

The Motion was **Carried**

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

14 [CNR-CM] Progress on Tweed Shire Council's Community Infrastructure Framework

439

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council:

1. Receives and notes the report on the progress of the first stage of network planning, as outlined in Council's Community Infrastructure Framework.
2. Proceeds with the second stage of network planning as outlined in Council's Community Infrastructure Framework.

The Motion was **Carried**

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

15 [CNR-CM] Boating Now Program - Grant Acceptance

440

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council accepts the offer of a grant of \$659,000 under the Transport for NSW Boating Now Program to fund eight boating facility upgrade projects.

The Motion was **Carried**

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

16 [CNR-CM] River Health Grant Approvals

441

**Cr G Bagnall
Cr P Youngblutt**

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

<i>Grant recipient</i>	<i>Waterway and locality</i>	<i>Stream frontage (m)</i>	<i>Objective of works</i>	<i>Council contribution</i>
Waldron	Hopping Dick's Creek, Limpinwood	600	Control weeds, provide off-stream water for cattle and stabilise river bank erosion	\$5,000
Tweed Landcare Inc.	Tweed River, Uki	250	Control of weeds and revegetation	\$10,000
Crossthwaite	Tweed River, Bray Park	NA	Upgrade dairy effluent pump to reduce risk of pollution of Tweed River	\$8,000

The Motion was **Carried**

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

LATE ITEM

442

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Item a16 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

a16 [CNR-CM] Submission to Legislative Council Inquiry into Service Coordination in Communities with High Social Needs

443

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council receives and notes the "NSW Legislative Council Inquiry into service coordination in communities with high social needs" submission.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR ENGINEERING

17 [E-CM] Proposed Road Widening - Lot 8 DP1014470 - Liriope Street, Casuarina

444

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council approves the plan of subdivision of Lot 8 in DP1014470 and executes all relevant documentation under the Common Seal of Council.

The Motion was **Carried**

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

18 [E-CM] Road Closure - Rowlands Creek Road, Rowlands Creek

445

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council:

1. Provides its consent to the closure and private purchase of the section of Council public road reserve through Lot 40 DP 755730, and
2. Executes all relevant documents under the Common Seal of Council.

The Motion was **Carried**

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

19 [E-CM] Road Renaming - Sussyer Avenue, Tweed Heads West

446

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that:

1. Council adopts the name of "Sussyer Avenue" for the purpose of renaming Parkes Drive, Tweed Heads West.
-

2. The renaming of the road be Gazetted under the provisions of the *Roads (General) Regulation, 2008* and the *Roads Act, 1993* as amended.

The Motion was **Carried**

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

20 [E-CM] Naming of Public Road Reserve - Upper Burringbar

447

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council:

1. Publicises its intention to name the road which runs off Upper Burringbar Road and through Lot 2 in DP 123256 as "Walkers Lane" allowing one month for submissions or objections to the proposal;
2. Notifies the relevant authorities under the provisions of the *Roads (General) Regulation 2008*.

The Motion was **Carried**

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

21 [E-CM] Naming of Public Bridge - Dunbible Creek, Dunbible

448

Cr G Bagnall
Cr P Youngblutt

RESOLVED that:-

1. Council adopts the name of "Dunbible Creek Bridge" for the bridge which crosses Dunbible Creek on Mistral Road, Dunbible, and
 2. The naming of the bridge be Gazetted under the provisions of the *Roads (General) Regulation, 2008* and the *Roads Act, 1993* as amended.
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The Motion was **Carried**

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

22 [E-CM] Classification of Land - 218 Kennedy Drive, Tweed Heads West

449

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council, in accordance with Section 25 of the *Local Government Act 1993*, Lot A DP 407658 being 218 Kennedy Drive, Tweed Heads West be classified as Operational Land.

The Motion was **Carried**

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

23 [E-CM] RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites

Cr P Youngblutt declared a Pecuniary Interest in this item. The nature of the interest is that Cr P Youngblutt has a relation involved in the tender process. Cr P Youngblutt managed this interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

Cr P Youngblutt left the meeting at 5.30PM.

450

Cr C Byrne
Cr W Polglase

RESOLVED that in respect to Contract RFP2015-028 Provision of Mowing Services to Water and Wastewater Treatment Plant Sites:

1. Council awards the contract to Tweed Coast Mowing ABN: 12 715 040 712 for the period 1 September 2015 to 31 August 2017 with 2, 1 by 12 month extension to the contract based on value to Council and performance history.
 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.
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3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne, Cr P Youngblutt

Cr P Youngblutt has returned from temporary absence at 05:31 PM

24 [E-CM] Drought Water Restrictions Policy

451

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council adopts the Drought Water Restrictions Policy (Version 3.0) as exhibited.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

LATE ITEM

452

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Item a24 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

a24 [E-CM] Tennis Terranora Joan Nicoll Tennis Centre

453

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Approves entering into a Deed of Grant with Tennis Terranora Inc. for a term of ten years for the repayment of \$100,000; and
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

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

AGAINST VOTE - Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

25 [CS-CM] Councillor Numbers

454

Cr W Polglase

Cr P Youngblutt

RESOLVED that:

1. In accordance with Section 224 of the Local Government Act 1993, Council determines the number of Councillors for the electoral term commencing September 2016 to be seven (7).
2. A Constitutional Referendum be conducted in conjunction with the 2016 Ordinary Election to determine approval for an increase to nine (9) Councillors to then be effective for the term commencing in September 2020.

The Motion was **Carried**

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

AGAINST VOTE - Cr B Longland, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne

26 [CS-CM] Council and Planning Committee Venue September 2015

455

Cr W Polglase

Cr P Youngblutt

RESOLVED that:

1. The September 2015 Planning Committee – 3 September and Council Meeting – 17 September 2015 be conducted at the Council Chambers Murwillumbah, and
2. Council confirms the date of the October 2015 Council Meeting of 22 October 2015, to enable consideration of the 2014/2015 Annual Financial Statements.

The Motion was **Carried**

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

PROCEDURAL MOTIONS

456

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Items 27 to 33 be considered in block.

The Motion was **Carried**

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

457

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Items 27 to 33 be moved in block.

The Motion was **Carried**

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

27 [CS-CM] Enterprise Risk Management Policy Version 1.1

458

Cr G Bagnall
Cr P Youngblutt

RESOLVED that the Enterprise Risk Management Policy Version 1.1 be adopted as a Corporate Policy of Council in accordance with Section 161(2) of the Local Government Act 1993.

The Motion was **Carried**

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

28 [CS-CM] Legal Services Register for the Period 1 April to 30 June 2015

459

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council receives and notes the Legal Services Register report as at 30 June 2015.

The Motion was **Carried**

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

29 [CS-CM] Compliments and Complaints Analysis Report for Period 1 April to 30 June 2015

460

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 April to 30 June 2015.

The Motion was **Carried**

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

30 [CS-CM] Corporate Quarterly Performance Report 1 April to 30 June 2015

461

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council receives and notes the Corporate Quarterly Performance Report as at 30 June 2015.

The Motion was **Carried**

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

31 [CS-CM] Six Monthly Delivery Program Exception Report to 30 June 2015

462

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that Council receives and notes the Six Monthly Progress Report detailing principle activities from the 2013/2017 Delivery Program that have not met expected performance targets for the period to 30 June 2015.

The Motion was **Carried**

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

32 [CS-CM] 2015/2016 Annual Loan Borrowing Program

463

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that:

1. The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations.
2. Relevant loan documentation is to be executed under the Common Seal of Council.

The Motion was **Carried**

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

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

464

**Cr G Bagnall
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 July 2015 totalling \$212,433,598 be received and noted.

The Motion was **Carried**

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

ORDERS OF THE DAY

34 [NOR] [PR-CM] Planning Proposal PP10/0007 - Mooball Planning Proposal

465

**Cr B Longland
Cr C Byrne**

RESOLVED that this item be withdrawn from consideration at the meeting.

The Motion was **Carried**

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

35 [NOM] Update on the Trial of the New Flight Path over the Banora Point Golf Course

466

**Cr C Byrne
Cr W Polglase**

RESOLVED that Council requests Airservice Australia, and in particular Mr Neil Hall, to attend Council to provide Councillors and staff with an update on the trial of the new airport flight path over the Banora Point Golf Course.

The Motion was **Carried**

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

36 [NOM] Rail Trail Project

467

Cr B Longland
Cr P Youngblutt

RESOLVED that, in conjunction with Northern Rivers Rail Trail Inc, Council prepares an Expression of Interest (EOI) to the State Government for the funding of a Rail Trail project on the existing corridor from the Murwillumbah Railway Station to the Shire boundary at Crabbes Creek. The Tweed Shire Council will be nominated in the EOI as the lead agency for the design and contract management of the project.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr G Bagnall
ABSENT. DID NOT VOTE - Cr K Milne

37 [NOM] Improving Compliance Processes and Providing Appropriate Funding

468

Cr G Bagnall
Cr B Longland

PROPOSED that Local Government NSW (LGNSW) requests the State Government review the compliance roles of various agencies with a view to devolving greater compliance authority to local councils, with appropriate funding, as local councils are best placed to undertake such actions.

The Motion was **Lost**

FOR VOTE - Cr B Longland, Cr G Bagnall
AGAINST VOTE - Cr C Byrne, Cr W Polglase, Cr P Youngblutt
ABSENT. DID NOT VOTE - Cr K Milne

38 [NOM] State Government Funding for Legal Actions for Local Councils

This Motion lapsed in the absence of a seconder.

QUESTIONS ON NOTICE

39 [QON-Cr G Bagnall] Public Openings

Councillor G Bagnall asked:

What costs are involved when Council conducts an event for the opening of infrastructure/facilities etc.?

Does Council consider these frequent openings efficient use of ratepayers funds?

Would Council staff consider the reallocation of these funds to support community projects rather than celebratory moments and photo opportunities ?

The Manager Human Resources (on behalf of the Director Corporate Services) responded to these questions separately as follows:

What costs are involved when Council conducts an event for the opening of infrastructure/facilities etc.?

There are minimal costs involved for an event for the opening of infrastructure/facilities, particularly when compared to the total project cost, they include:

- Minimal staff time in coordination and attendance.
- Catering, only if required.
- Plaques, only if required as per grant agreements.
- Promotional items/gifts.

In the 2015 calendar year to date there have been five (5) events related to the opening of infrastructure/facilities. The details are as follows:

7 August – Wharf Street Tweed Heads

Opening of the completion of road works/ cycleway and streetscape of Wharf Street and other Tweed Heads CBD projects totalling \$9million. Bikers Breakfast also in conjunction with Local Government Week celebrations. Expenses were a donation of \$460 to the Local Lions Club for providing the breakfast and local café \$350 for coffees and beverages for the opening.

Project Costs: \$9million.

Expenses for Opening Event: \$810.

4 August - Les Burger Field

Sustainable Water Management Project

Acknowledging finalisation of works enabling the use of recycled water on the Les Burger Sports Field
Works funded by council, no costs incurred for the media opportunity to announce the implementation of recycled water.
Project Costs: \$350,000.
Expenses for Opening Event: \$0.00.

31 July - Chinderah pontoon opening

Acknowledging the completion of the installation of a public pontoon located at Chinderah. Project partnership funded project between Council, State Government through RMS and Taphouse Tavern at Chinderah. No costs incurred by Council for opening.
Project Costs: \$240,000.
Expenses for Opening Event: \$0.00.

30 June - Murwillumbah Football Club Change Rooms

Funding provided by the Football Club from State Government funding through Trust funding.
No costs incurred by Council for the opening of the change rooms, event catering provided by Football Club.
Project Costs: \$214,000.
Expenses for Opening Event: \$0.00.

11 June - Bay Street Tweed Heads

Completion of roadworks and streetscape. Project funded through Council and Federal Government Roads 2 Recovery funding. Focus of Works completion breakfast was to acknowledge local business owners and thank them for their support throughout the levels of inconvenience and disruption to their business during the construction phase. Local Lions Club provided with a donation from council (\$360) for providing sausage sizzle and local cafe within Bay Street provided the coffee for \$350.
Project Costs: \$2.2million.
Expenses for Opening Event: \$710.

8 May - Arkinstall Park Tweed Heads Stage 1 Opening

Partnership project funded through Council, Federal Government, Tennis Australia and Tweed Netball Association. Part of the conditions of the funding from Federal Government required an official opening to be conducted with the involvement of the appropriate Federal Government elected representative in this case Senator John Williams. Federal Local member for Richmond The Hon Justine Elliot was also in attendance and played a role in the opening. John Fitzgerald OAM was also in attendance as the representative of the funding partner Tennis Australia. Cost of 100 printed tennis balls as memento's acknowledging the opening date of the event of the event - \$643.50. Costs incurred by Council for the catering totalled \$597.50. Donation of \$100.00 made to Tweed Heads Public School for their performance including National Anthem. Cost of plaque unveiled \$450.00 and was a condition of funding and approved by the Government funding body.
Project Costs: \$7.74million.
Expenses for Opening Event: \$1147.50.

Does Council consider these frequent openings efficient use of ratepayers funds?

This is a matter for Council, however, in hosting Official Openings/Media Events they achieve the following:

- Adherence to grant legal funding conditions.
- Informing our community and media organisations of new and available infrastructure for their use.
- Recognition of Council who has delivered the outcome from the Community Strategic Plan and Delivery Program for the community.
- Celebrate project completion and recognition of key stakeholders involved including community members and groups.

Would Council staff consider the reallocation of these funds to support community projects rather than celebratory moments and photo opportunities?

As noted above in the response to the first part of the questions, apart from staff salaries of those staff who organise and attend the event, there are minimal expenses apart from catering, which goes directly to a community group such as Lions or Rotary or businesses that may have been inconvenienced by the project. This component of the expenditure is included as part of the overall project and not a communications operational budget item.

If Council is of the belief that funds should be redirected, this can be achieved through the quarterly budget review or by resolution of Council.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

40 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2015

469

Cr P Youngblutt
Cr W Polglase

RESOLVED that:

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

IC1. Arkinstall Park Opening – Welcome to Country

That the Aboriginal Advisory Committee approaches Victor Slockee to do the Welcome.

IC2. Local Government Aboriginal Network - 2015 Conference August 2015

That Mayor, Cr Gary Bagnall, be present for the handover of the 2016 Conference to Tweed Shire Council during the 2015 Local Government Network Conference in Port Macquarie in August.

GB1.NOM Supporting Aboriginal Communities in Western Australia

That the Community Development Officer-Aboriginal works with the General Manager to draft the letter to the Prime Minister and the Western Australian Government with delegated authority from the Aboriginal Advisory Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

41 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 June 2015

470

Cr P Youngblutt

Cr W Polglase

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 June 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

42 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 23 July 2015

471

Cr P Youngblutt

Cr W Polglase

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 23 July 2015 be received and noted; and
 2. The Executive Management Team's recommendations be adopted as follows:
-

A1 [LTC] Murwillumbah Multi Level Car Park, Queen Street

That free parking in the multi-level car park, Queen Street, Murwillumbah be supported for the duration of the stormwater works in Murwillumbah Street.

A2 [LTC] 2015 National Masters Championships (Cycling)

That the proposed 2015 National Masters Championships on Saturday 26 and Sunday 27 September 2015 be supported, subject to:

1. The proposed closure of the Tweed Coast Road between Coronation Avenue and Overall Drive is not supported and the applicant be requested to modify this event to commence and finish the races on Tweed Coast Road south of the Pottsville Bridge
2. NSW Police approval being obtained
3. Endorsement of the event by Cycling Queensland
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. Adequate public liability insurance being held by the event organiser
8. 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
9. Consultation with emergency services and any identified issues addressed
10. Arrangements made for private property access and egress affected by the event
11. 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/WhatsOn and access the Calendar of Events site to upload the event details
12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein
13. The event be conducted in accordance with the current RMS guidelines for bicycle races to ensure consistency across the network.

A3 [LTC] St Ambrose Primary School, Charles Street, Pottsville

That:

1. An "All Traffic Left" sign be erected on Charles Street at the intersection with Overall Drive.
2. Left turn pavement arrows be installed on Charles Street at the intersection with Overall Drive.
3. All signage should be installed to RMS NSW standards.
4. Cross walk linemarking for the children's crossing is not to RMS standards.

5. Details of the proposed 40km/hr School Zone be forwarded to the RMS for approval.

A4 [LTC] Twin Towns Triathlon Season - 2015/2016

That the proposed Twin Towns Triathlon 2015/2016 season events on:

19 and 26 September 2015

3, 10, 17, 24 and 31 October 2015

7, 14, 21 and 28 November 2015

5, 12, 19 and 26 December 2015

2, 9, 16, 23 and 30 January 2016

6, 13, 29 and 27 February 2016

5, 12, and 19 March 2016 be supported, subject to:

1. NSW Police approval being obtained
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons
3. Community and affected business consultation addressing raised concerns
4. 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
5. Adequate public liability insurance being held by the event organiser
6. 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.
7. Consultation with emergency services and any identified issues addressed
8. 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/WhatsOn and access the Calendar of Events site to upload the event details
9. The event be conducted in accordance with the current RMS guidelines for bicycle races to ensure consistency across the network.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

472

Cr P Youngblutt

Cr W Polglase

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

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

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 DIRECTOR ENGINEERING IN COMMITTEE

C1 [E-CM] s64 Developer Charges and Lord Linen Services

REASON FOR CONFIDENTIALITY:

The matter relates to the cost of establishing a particular business, Lord Linen Services. Disclosure of the information may cause the information to be used by competitors of Lord Linen Services to gain an advantage or be used by other businesses to seek to influence or mislead Council in Council's application of developer charges.

Local Government Act

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

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

C 35

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Council advises Lord Linen Services that:

1. Their Liquid Trade Waste Agreement permits the discharge of up to 30kL/day and if they discharge in excess of 30kL/day they must seek an amendment to their Liquid Trade Waste Agreement:
2. If such an amendment is sought Council can decide whether to condition any approval of the amendment with the requirement to seek a Certificate of Compliance and hence require the payment of s64 Developer Charges or payment of an excess use charge.
- 3
 - a) If they move premises they will be required to reapply for a Liquid Trade Waste Agreement and that agreement may be conditioned requiring a Certificate of Compliance under Section 305 of the *Water Management Act 2000*.
 - b) In the application they may seek to have Council reduce or waive s64 Developer Charges, however Council's position is that full charges would apply as calculated at the time of application.
4. Water and sewer usage will be based on a 30 day average.

The Motion was **Carried**

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

473

Cr P Youngblutt
Cr B Longland

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

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

There being no further business the Meeting terminated at 5.54pm



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

Chairman