



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 22 October 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 K Milne (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 Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

Cr G Bagnall was not present at the commencement of the meeting.

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 Rob Stuttle, Living Waters Church, Tumbulgum.

"Jeremiah 29:11-13 New King James Version (NKJV)

¹¹For I know the thoughts that I think toward you, says the Lord, thoughts of peace and not of evil, to give you a future and a hope. ¹²Then you will call upon Me and go and pray to Me, and I will listen to you. ¹³And you will seek Me and find Me, when you search for Me with all your heart.

Prayer

Dear Lord,

As Council sits today to preside over matters concerning the future of the Tweed Shire, we call upon you, we pray to you, we seek your guidance, and your direction. That the decisions made today will be in accordance with the great future that you have planned for this beautiful area that we live in.

I thank you Lord that your thoughts are ever towards us to give us a fantastic future and a wonderful hope.

In Jesus name we Pray

Amen."

A3 [MM-CM] Passing of Michael Patterson

533

The Mayor addressed the meeting on the recent passing of Council staff member, Michael Patterson:

"Councillors, staff and members of the public, I would like us to take a moment to remember the recent passing of a member of council staff – Michael Patterson.

Michael was employed at council since 2008 and was a vital member of the Communications Team being responsible for Council's printing and publishing requirements, including the preparation and layout of a myriad of publications, staff newsletter and the Tweed Link.

Council extends its heartfelt condolences to Fran, Stuart, Lachlan, Hamish and Amelia on the loss of Michael and he will be missed around the office."

CONFIRMATION OF MINUTES

1 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Thursday 17 September 2015

534

**Cr P Youngblutt
Cr K Milne**

RESOLVED that the Minutes of the Extraordinary Council Meeting held Thursday 17 September 2015 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was Carried

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

2 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 17 September 2015

535

**Cr P Youngblutt
Cr K Milne**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 17 September 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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

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

536

Cr P Youngblutt
Cr K Milne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 1 October 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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions

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

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for September 2015

537

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for September 2015 be received and noted.
2. The attendance of a Councillor at the State Business Awards to be held in Sydney on 27 November 2015 be confirmed. *Note: As no Councillors nominated the General Manager advised that Council officers will be attending).*
3. Cr K Milne attends the Banksia Foundation and SBA Sustainable Development Forum to be held in Sydney on 13 November 2015.
4. Cr K Milne be authorised to attend the Mayor's Weekend Seminar to be held in Sydney on 14/15 November 2015.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

RECEIPT OF PETITIONS

6 [ROP] Receipt of Petitions

538

Cr W Polglase
Cr P Youngblutt

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

- Petition containing 24 signatures in relation to DA15/0742 as follows:

*"Petition Against the Development of The Salt Boat House to combined Dwelling and boathouse
Development Application DA15/0742"*

- Petition containing 21 signatures in relation to Main Road, Fingal Head as follows:

"We, the below-noted land owners, rate payers, residents and visitors of Fingal Head are entirely dissatisfied with the poor state of the Main Road and request Tweed Shire Councils' urgent attention to resurfacing and upgrading this roadway immediately."

The Motion was Carried

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

ATTENDANCE AT MEETING

Cr G Bagnall attended the meeting at 5.12pm.

REPORTS THROUGH THE GENERAL MANAGER

PROCEDURAL MOTIONS

539

**Cr K Milne
Cr G Bagnall**

RESOLVED that Items 7 to 31, including late Items A10 and B10 being admitted to the Agenda, with the exception of Items 11, 12, 24 and 29, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

536

**Cr K Milne
Cr G Bagnall**

RESOLVED that Items 7 to 31, including late Items A10 and B10, with the exception of Items 11, 12, 24 and 29, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Expression of Interest 2016 NSW IRB Surf Life Saving Championships on the Tweed Coast

540

Cr K Milne
Cr G Bagnall

RESOLVED that Council supports and endorses the submission of the Expression of Interest for the conducting of the 2016 NSW IRB Championships, and provide funding support to a maximum of \$10,000, being in kind support.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

8 [GM-CM] Variation to Festival Funding, Tweed Foodie Fest 2015

541

Cr K Milne
Cr G Bagnall

RESOLVED that Council:

1. Agrees to the change of venue from the Murwillumbah Showgrounds to the Main Street, Murwillumbah for the Tweed's Biggest Dinner Party, for purpose of providing funding through the Festival and Events Policy.
2. Agrees to a special exemption to the alcohol free zone of the street and pavement, for the duration of the event.
3. Notes the road closures as outlined in the event plan to this Council report which have been considered and endorsed by the Local Traffic Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [GM-CM] Variation to Festival Funding, Eco Carnivale at Cabarita Beach

542

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council agrees to:

1. A funding variation through the Festival and Events Policy of the Eco Carnivale to the proposed Cabarita Beach Youth / Eco Festival 2016.
2. Provide Les Burger Sportsfield as the venue for the Cabarita Beach Youth / Eco Festival 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [GM-CM] Organisational Restructure - Phase 3 - Events and Festivals

543

**Cr K Milne
Cr G Bagnall**

RESOLVED that, in accordance with Sections 332 and 333 of the Local Government Act 1993, the change in reporting hierarchy for the position of Events and Festivals Officer to report to the Director Corporate Services be endorsed and the Organisation Structure be updated accordingly.

The Motion was **Carried**

FOR VOTE - Unanimous

A10 [GM-CM] Australia Day Committee - Community Membership

LATE ITEM

544

**Cr K Milne
Cr G Bagnall**

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

545

Cr K Milne
Cr G Bagnall

RESOLVED that the:

- 1 Expression of Interest process for Community Membership on the Australia Day Committee up until September 2016 be endorsed.
2. Community members no longer serving on the Australia Day Committee be written to and thanked for their contribution.

The Motion was **Carried**

FOR VOTE - Unanimous

B10 [GM-CM] Local Government Reforms - Fit for the Future

LATE ITEM

546

Cr K Milne
Cr G Bagnall

RESOLVED that Item B10 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

547

Cr K Milne
Cr G Bagnall

RESOLVED that Council:

1. Receives and notes the Independent Pricing and Regulatory Tribunal (IPART) "Assessment of Council Fit for the Future Proposals - Local Government - Final Report October 2015".
 2. Makes further submissions to both IPART and the NSW Government in relation to the new improved 2014/15 Operating Performance Ratio results detailed in Council's 2014/15 Annual Financial Statements and the outcome of the revaluation process on depreciation expense calculations.
-

3. Declines the invitation to merge with Kyogle Council.
4. Issues a Special Edition of the Tweed Link which informs the community of Council's response to the IPART report.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

The Director Planning and Regulation advised Council of a required addition to the recommendation being that appropriate documentation to be executed under the Common Seal of Council.

548

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. Council, 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, grants approval for the General Manager to proceed to prepare a lease and licence for the Friends of the Pound proposal based on the revised design concept attached to this report.
2. All appropriate documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

- 12 [PR-CM] Class 1 Appeal - Development Application DA15/0422 for a 65 Lot Subdivision at Lot 1147 DP 1115395 Seabreeze Boulevard, Pottsville**

549

Cr G Bagnall

Cr K Milne

RESOLVED that Council's solicitors be engaged (and consultants if required) to defend the Appeal for Development Application DA15/0422 for a 65 lot subdivision at Lot 1147 DP 1115395 Seabreeze Boulevard, Pottsville.

AMENDMENT

550

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that Council engages Council's solicitors to negotiate consents orders or Section 34 Conciliation conference.

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

The Amendment was **Lost** on the Casting Vote of the Mayor.

The Motion was **Carried**

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

The Motion was **Carried** on the Casting Vote of the Mayor (Minute No 549 refers).

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] RFP2015-062 Construction of Knox Park Youth Precinct

551

**Cr K Milne
Cr G Bagnall**

RESOLVED that in respect to Contract RFP2015-062 Construction of Knox Park Youth Precinct:

1. Council notes approved Variations 01 to 09 approved to date under General Manager's delegated authority for the total amount of \$36,138.64 (exclusive of GST).
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.

- (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

14 [CNR-CM] Tweed Shire Youth Council

552

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council:

1. Endorses the student leadership Youth Council model as presented.
2. Adopts the Youth Council Terms of Reference.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Draft Homelessness Policy

553

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council:

1. Notes the submissions made to the draft Homelessness Policy and thanks contributors for their comments.
2. Adopts the Homelessness Policy Version 1.0.
3. Brings a status report and update to a future Council meeting after 12 months.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] RFP2015-110 Renovations to Fingal Head Surf Club Building

554

**Cr K Milne
Cr G Bagnall**

RESOLVED that in respect to Contract RFP2015-110 Renovations to Fingal Head Surf Club Building:

1. Council awards the contract to Michael McDonald (ABN 36 955 738 616) for the amount of \$206,138.05 (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:
 - (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

REPORTS FROM THE DIRECTOR ENGINEERING

17 [E-CM] Land Classification - Eviron Road, Eviron

555

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council classifies Lots 17, 18 and 30 in DP820048 at Eviron as Operational Land pursuant to Section 25 of the Local Government Act 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [E-CM] Land Classification - Harrys Road, North Arm

556

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council classifies Lot 1 in DP 1200748 at North Arm as Operational Land, pursuant to Section 25 of the Local Government Act, 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

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

557

**Cr K Milne
Cr G Bagnall**

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

The Motion was **Carried**

FOR VOTE - Unanimous

20 [E-CM] Road Closure - Rock Road, Bungalora

558

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council provides its concurrence to the closure and private purchase of the Crown road reserve that runs through Lot 1 DP 814144 at Rock Road, Bungalora.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [E-CM] Road Naming - Walkers Lane, Upper Burringbar

559

Cr K Milne
Cr G Bagnall

RESOLVED that Council:

1. Adopts the name of Walkers Lane for the road which runs off Upper Burringbar Road and through Lot 2 DP123256 at Upper Burringbar; and
2. The naming of the public road be gazetted under the provisions of the *Road (General) Regulation 2008* and the *Roads Act 1993*.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [E-CM] RFP2015-093 Supply of Two (2) Motor Graders CCF Class 15

560

Cr K Milne
Cr G Bagnall

RESOLVED that in respect to Contract RFP2015-093 for the Supply of Two (2) Motor Grader Units CCF Class 15:

1. Council awards the contract to 'Hitachi Construction Machinery Australia' (ABN 62000080179, ACN 00080179) for the amount of \$653,000 (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

23 [E-CM] RFP2015-029 Provision of Mowing and Ground Maintenance Services to Sewage Pumping Stations and Water Storage Reservoirs

561

**Cr K Milne
Cr G Bagnall**

RESOLVED that in respect to Contract RFP2015-029 Provision of Mowing and Ground Maintenance Services to Sewage Pumping Stations and Water Storage Reservoirs:

1. Council awards the contract to Jamie Russell Godfrey ABN 66 434 822 156 for the period 1 September 2015 to 31 August 2017 with 2, 1 by 12 month extensions 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 finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [E-CM] Purchase of Bulk Water to Supply Areas Outside Tweed Shire

562

**Cr K Milne
Cr G Bagnall**

RESOLVED that

1. Council adopts a bulk water charge rate for water supplied to areas outside the shire that is two times the rate for bulk water use within the Shire, as listed in the Fees and Charges.
2. Officers report back to Council in 2 years advising of any impacts of this charge including water usage

The Motion was **Carried**

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

25 [E-CM] Excess Use Charges in Lieu of s64 Developer Charges

563

Cr K Milne
Cr G Bagnall

RESOLVED That

1. The Excess Use Charge be renamed the "High Consumption Charge (Non-Residential)" for water supply and "High Sewer Usage Charge (Non-Residential)" for sewerage services.
2. The General Manager be provided delegated authority to issue Certificates of Compliance and that those Certificates of Compliance include words to the effect that "High Consumption Charge (Non-Residential)" of \$2.31/kL for water supply and "High Sewer Usage Charge" of \$1.82/kL for sewerage services would apply for consumption in excess of Equivalent Tenement (ET) entitlements until 1 July 2016 when "High Consumption Charge (Non-Residential)" and "High Sewer Usage Charge (Non-Residential)" as detailed in Fees and Charges will apply.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [E-CM] Sugar Cane Harvest Management Scheme

564

Cr K Milne
Cr G Bagnall

RESOLVED That Council participates in the Sugar Cane Harvest Management Scheme, and authorises the General Manager to issue a Class 3 Mass or Dimension Exemption permit to Sunshine Sugar for the remainder of the 2015 sugar cane harvest season, and subject to review, subsequent seasons.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [E-CM] Town and Village Entry Statement Signage

565

**Cr K Milne
Cr G Bagnall**

RESOLVED That:

1. Council endorses the prioritised works program for entry signage, and implements works to upgrade identified priority 1, 2 and 3 signage works in 2015/16, and allocates a budget of \$25,000 towards this program.
2. Entry signage design and installation shall be in accordance with the Signage Standards Manual (and any subsequent versions). Additional panels on entry signage shall be limited to aboriginal acknowledgement statements. Existing "Gasfield Free" signage panels shall remain as previously resolved by Council.
3. All new or replacement town/village entry signage designs shall be referred to the Aboriginal Advisory Committee for consultation on the inclusion of traditional place names.
4. Council undertakes a project in consultation with Destination Tweed, to further investigate appropriate branding for the promotion of Tweed Shire, as identified in the Tweed Economic Development Strategy. The branding exercise is to include consideration of the promotion of priority locations of Tweed Heads and Murwillumbah in the form of entry statements or public art.
5. Additional suburb entry signage be installed at highway exits on Kennedy Drive, Kirkwood Road and Minjungbal Drive incorporating "Gasfield Free" signage, and that Council allocates an additional budget of \$5,000 towards this program.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

28 [CS-CM] Pecuniary Interest Returns 2014/2015

566

Cr K Milne
Cr G Bagnall

RESOLVED that the Pecuniary Interest Returns for Councillors and Designated Persons for the period 1 July 2014 to 30 June 2015, as tabled, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [CS-CM] Council and Planning Committee Meeting Dates for 2016

567

Cr K Milne
Cr G Bagnall

PROPOSED that the Planning Committee and Council Meetings, incorporating Community Access sessions for 2016 be conducted as per the following amended schedule:

Meetings for 2016			
Planning Committee 1 st Thursday		Council 3 rd Thursday	
	Venue		Venue
4 February 2016	Murwillumbah	18 February 2016	Murwillumbah
3 March 2016	Murwillumbah	17 March 2016	Murwillumbah
7 April 2016	Murwillumbah	21 April 2016	Murwillumbah
5 May 2016	Murwillumbah	19 May 2016	Murwillumbah
2 June 2016	Murwillumbah	16 June 2016	Murwillumbah
7 July 2016	Murwillumbah	21 July 2016	Murwillumbah
4 August 2016	Murwillumbah	18 August 2016	Murwillumbah
1 September 2016	Murwillumbah	15 September 2016	Murwillumbah
6 October 2016	Murwillumbah	27 October 2016 **	Murwillumbah
3 November 2016	Murwillumbah	17 November 2016	Murwillumbah
1 December 2016	Murwillumbah	15 December 2016	Murwillumbah

NOTE: ** 27 October 2016 to allow for consideration of the Annual Financial Statements

AMENDMENT**568****Cr C Byrne
Cr P Youngblutt**

RESOLVED that the Planning Committee and Council Meetings, incorporating Community Access sessions for 2016 be conducted as per the following schedule:

Meetings for 2016			
Planning Committee 1 st Thursday		Council 3 rd Thursday	
	Venue		Venue
		21 January 2016 Ø	Murwillumbah
4 February 2016	Murwillumbah	18 February 2016	Murwillumbah
3 March 2016	Murwillumbah	17 March 2016	Tweed Heads
7 April 2016	Murwillumbah	21 April 2016	Murwillumbah
5 May 2016	Tweed Heads	19 May 2016	Tweed Heads
2 June 2016	Murwillumbah	16 June 2016	Murwillumbah
7 July 2016	Tweed Heads	21 July 2016	Tweed Heads
4 August 2016	Murwillumbah	18 August 2016	Murwillumbah
1 September 2016	Murwillumbah	15 September 2016	Murwillumbah
6 October 2016	Tweed Heads	27 October 2016 **	Tweed Heads
3 November 2016	Murwillumbah	17 November 2016	Murwillumbah
1 December 2016	Murwillumbah	8 December 2016 #	Murwillumbah

NOTE: Ø 21 January 2016 due to the Christmas / New Year Period
 ** 27 October 2016 to allow for consideration of the Annual Financial Statements
 # 8 December 2016 given proximity to Christmas

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 568 refers)

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

**30 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report
 for Period Ending 30 September 2015**

569**Cr K Milne
Cr G Bagnall**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 September 2015 totalling \$239,548,361 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [CS-CM] Carry Over Works from 2014/2015 to 2015/2016 Budget

570

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council adopts the Carry Over Works 2014/2015 and the expenditure and income, as detailed within the report, be applied to the 2015/2016 Budget.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

Cr P Youngblutt temporarily left the meeting at 05:49 PM.

32 [NOR] Planning Proposal PP10/0007 Mooball Planning Proposal

571

**Cr K Milne
Cr G Bagnall**

PROPOSED

"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 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."*

be rescinded.

Cr P Youngblutt has returned from temporary absence at 05:55 PM

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

33 [NOM] Mooball Planning Proposal PP10/0007

The related Notice of Rescission at Item 32 was **LOST**, therefore this item was not considered (Minute No 571 refers).

34 [NOM] Planning Proposal PP10/0007 Mooball

The related Notice of Rescission at Item 32 was **LOST**, therefore this item was not considered (Minute No 571 refers).

35 [NOM] Murwillumbah TAFE

572

**Cr K Milne
Cr G Bagnall**

RESOLVED that the Mayor writes to our local State Member, Mr Thomas George MP, on behalf of Council to request detailed advice on the future plans for the Murwillumbah TAFE.

The Motion was **Carried**

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

36 [NOM] Koala Gate

573

**Cr K Milne
Cr G Bagnall**

PROPOSED that:

1. Council installs an electronic vehicle access gate at the entrance to the Black Rocks Sportsfield.
2. The gate to be closed at all times, with electronic entry and exit during the day from dawn to dusk and, with leeway for exiting up until one hour after closing.
3. This gate to be installed as a matter of urgency.

The Motion was **Lost**

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

37 [NOM] White Ribbon Workplace

574

Cr C Byrne
Cr W Polglase

RESOLVED that Council becomes a "White Ribbon Workplace".

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

PROCEDURAL MOTIONS

575

Cr G Bagnall
Cr K Milne

RESOLVED that Items 38 to 44 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

576

Cr G Bagnall
Cr K Milne

RESOLVED that Items 38 to 44 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

38 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 26 June 2015

577

Cr G Bagnall
Cr K Milne

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 26 June 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB2. Crown Lands Review - Update

1. *The Aboriginal Advisory Committee (AAC) wishes to raise concerns about the Crown Lands Review and the commitments to confidentiality that Council has made to participate in the review.*
2. *That Council acknowledges confidential negotiations that exclude the Aboriginal community could damage a 20 year relationship between Council and the Aboriginal community.*
3. *That the AAC invites Jan Barham MLC, NSW Aboriginal Land Council representative and Council's Legal Officer (Nela Turnbull) to address the AAC in relation to the Crown Lands Review and in particular the reasons for confidentiality and the Terms of Reference.*

A1. 2016 Local Government Aboriginal Network Conference (Notice of Motion) – Mayor Bagnall

1. *The Aboriginal Advisory Committee (AAC) requests Council to progress the Goorimahbah and Joongurrabah (Razorback) signage in keeping with the interpretative signage installed at Clarrie Hall Dam.*
2. *AAC members to have discussions with relevant groups regarding potential projects for discussion and prioritisation at the next AAC meeting.*

The Motion was **Carried**

FOR VOTE - Unanimous

39 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 13 August 2015

578

**Cr G Bagnall
Cr K Milne**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 13 August 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Tuesday 18 August 2015

579

**Cr G Bagnall
Cr K Milne**

RESOLVED that the Minutes of the Equal Access Advisory Committee Meeting held Tuesday 18 August 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

41 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Monday 24 August 2015

580

**Cr G Bagnall
Cr K Milne**

RESOLVED that the Minutes of the Community Halls Advisory Committee Meeting held Monday 24 August 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Special Meeting held Thursday 3 September 2015

581

Cr G Bagnall

Cr K Milne

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 3 September 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 September 2015

582

Cr G Bagnall

Cr K Milne

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 September 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
 - A5. Cultural Heritage Matters
 - (a) *Cobaki Lakes Bulk Earthworks Approval Stages 6, 7, 8 and 9*

That:

1. *The application for bulk earthworks for Precinct 8 at Cobaki Lakes will need to address Cultural Heritage matters. The application will be forwarded to the Aboriginal Advisory Committee for comment/review upon lodgement.*

2. *Council notes that staff provided comment/feedback to Leda on week ending 9 October 2015 with regard to the draft open space network for Precinct 6-8, which proposes to incorporate Cultural Heritage Parks. The feedback highlighted the need for compliance with the provisions of the approved Cultural Heritage Management Plan (April 2010).*

(b) *Kingscliff Beach Holiday Park*

That:

1. *Council notes that Everick was not engaged by Council but rather the Tweed Coast Holiday Parks Reserve Trust as the applicant.*
2. *Tweed Coast Holiday Parks has given an undertaking to comply with any relevant legislation and Council policy necessary to obtain a development consent.*

GB2 Gold Coast Airport Land Reserve No. 59360

That the Aboriginal Advisory Committee requests that any correspondence regarding the rezoning of Crown Reserve 59360 be supplied to the Aboriginal Advisory Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

44 [SUB-LTC] Minute of the Local Traffic Committee Meeting held Thursday 24 September 2015

583

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 24 September 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] Murwillumbah Cycle Club Events - 2016

That the proposed Murwillumbah Cycle Club Events for 2016 and associated temporary road closure of Lundberg Drive be supported, subject to:

1. *NSW Police approval being obtained.*
 2. *Endorsement of the event by Bicycle NSW/Cycling Queensland.*
-

3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns*
5. *The event organiser notifies Tweed residents of the impact of the Criterium events by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
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 events 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.*
12. *The submission and approval of Community Event applications and compliance with any conditions imposed therein.*
13. *The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*

A2 [LTC] Kingscliff Triathlon 21 to 22 November 2015

That the proposed Kingscliff events on 21 November and Triathlon on 22 November be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Triathlons NSW.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event*
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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
12. *The submission and approval of a Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL ITEMS FOR CONSIDERATION

Nil.

There being no further business the Meeting terminated at 6.38pm.



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

Chairman

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