



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 27 October 2016

held at **Harvard Room, Tweed Heads Administration
Building, Brett Street, Tweed Heads**
commencing at 5.15pm

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The meeting commenced at 5.15pm.

IN ATTENDANCE

Cr K Milne (Mayor), Cr C Byrne, Cr B Longland and Cr W Polglase.

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (for Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Andrew Illingworth (Unit Co-Ordinator Tweed Holiday Parks), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Lisa Bailey (Minutes Secretary).

Councillor 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, Paster Rob Stuttle.

1. Prayer for Tragedy at Dreamworld on Tuesday

Dear Lord our compassionate heavenly Father. We come to you with heavy hearts over the Tragic accident at Dreamworld on Tuesday, that has effected every person in the Gold Coast / Tweed region. We pray for the families of the deceased and especially the children who survived the accident and yet now face a life without their mothers. I pray that your love and compassion will reach out through our community to help bring comfort and a future for this son and daughter.

We pray for the families who have lost a loved one, and we pray for those of the public who were there at the time who witnessed this tragedy.

We pray also for the staff at Dreamworld and the investigators that you would guide them and help them to restore Dreamworld as a place of fun but also of Safety.

And we pray this in the name of Jesus, Amen.

2. Prayer for Tweed Shire Council

And Lord Jesus, today I pray a blessing over our Mayor, every councillor and every staff member of the Tweed Shire Council. I thank you for the sacrificial service each one has performed, the many hours that only you see O God, I thank you that you Love each person who represents our Shire, and delight in them.

I thank you for, the God given gifting that they have exercised in running council matters, and I thank you that as you have guided their decisions, we can look forward to a great future in our Shire. I pray that you will bless every outgoing councillor, every councillor that remains and every new incoming councillor. I pray that your hand will

be on the elections on Saturday, that we will have a council that is ordained by you to take us into this next season.

Numbers 6:24-26 ESV

²⁴ the LORD bless you and keep you;

²⁵ the LORD make his face to shine upon you and be gracious to you;

²⁶ the LORD lift up his countenance upon you and give you peace. Amen

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 15 September 2016

456

Cr W Polglase

Cr C Byrne

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 September 2016 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr G Bagnall

2 [CONMIN] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 6 October 2016

457

Cr W Polglase

Cr C Byrne

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Thursday 6 October 2016 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr G Bagnall

APOLOGIES

Attendee Cr P Youngblutt has informed the General Manager that his absence is caused by illness.

458

Cr W Polglase
Cr B Longland

RESOLVED that the apology of Cr P Youngblutt be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

459

Cr W Polglase
Cr B Longland

RESOLVED that Council writes to Cr P Youngblutt thanking him for his service over the past number of years and wishing him well for the future.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

DISCLOSURE OF INTEREST

Cr K Milne declared a non-pecuniary non-significant interest Item c14 [CNR-CM] Black Rock Sportsfield. Cr Milne advised that the nature of the interest is that a submitter to this matter is a candidate on her Group ticket for the election of 29 October 2016.

Cr Milne will manage the interest by remaining in the Chamber and voting on the merits of 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 schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for September 2016

460

Cr K Milne

RESOLVED that the Mayoral Minute for the month of September 2016 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

SUSPENSION OF STANDING ORDERS

461

Cr B Longland

Cr C Byrne

PROPOSED that Standing Orders be suspended to accept Late Item c14 [CNR-CM] Black Rocks Sportsfield onto the agenda and to deal with the item.

The Mayor ruled that Late Item c14 [CNR-CM] Black Rocks Sportsfield was not of an urgent nature and therefore refused to accept it onto the Agenda, in accordance with Part 1.3.1 of the code of Meeting Practice V.2.5.

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

462

Cr K Milne

Cr W Polglase

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

1. **Petition from residents of Darlington Drive (private road) Banora Point containing eight signatories**

"Removal of all Fig trees or reduce canopy to safe level in that part of Darlington Drive Banora Point between house numbers 107 to 137.

In view of the recent event where a large Fig tree fell across the roadway during the night of inclement weather requiring removal by local resident. Council

Officer advised that the tree was on 75% public land and 25% Council land but residents need to arrange and meet cost for removal.

One of the main request reasons is for the safety of both individual residents and their own properties. The trees may have provided their initial reason for planting in 'Noise Barrier' but some trees now appear to have a disease which will eventually cause them to fall. Three diseased trees have already been removed at owner's expense.

We consider the recent falling of this large tree is a warning to council and residents of the danger being faced.

Road showing signs of being lifted by tree roots. Council already informed.

Council staff have informed residents that they will not be responsible if trees fall and damage property. We believe this incorrect and if roles were reversed Council would take action against land owners.

Whilst we acknowledge recent pruning by Council to trees along area of concern we now ask that serious consideration be given to removal of all Fig trees within the boundaries of both council and residents own land. Removal of trees will in our opinion not only save ongoing costs to Council but possibly prevent an accident causing major damage to properties or worse even death.

2. Petition from residents of Leisure Drive, Banora Point containing 113 signatories

Enter and Exit Driveways from Aveo Retirement Village and St. Martha's Retirement Village

I wish to draw your attention to the following hazardous conditions along Leisure Drive Banora Point:

- 1. In a short space the road is two lanes reducing to one lane then returning to two lanes;*
- 2. A 'safety' island is installed exactly where the road is one lane;*
- 3. This safety zone is used by elderly residents of Aveo and by a large number of School children.*
- 4. Egress and ingress to both Aveo retirement Village and, to St. Martha's is quite dangerous as there are no slip turning lanes for either village.*
- 5. Traffic is quite heavy at peak times and residents feel very unsafe particularly when trying to negotiate a right hand turn into Leisure Drive from our Retirement Village.*
- 6. Traffic is travelling much too fast along this section of road when elderly residents are attempting the turnings.*

This is of great concern for all of the residents, the many local school children as well as family members who try to cross Leisure Drive.

It is quite apparent that the area is a black spot and endangers all users whether elderly or not.

I write to you as Manager of Aveo Retirement Village and, at the direct request of many residents as shown on the petition already provided to Warren Polglase; as well as the representatives of the Committee. We are all concerned about the risks associated with the busy thoroughfare.

I ask that an onsite inspection be carried out by your Traffic Engineering Section.

There needs to be a pedestrian crossing installed so that the area is safe to cross. I have personally witnessed the trouble that residents and school children encounter when trying to the cross this busy road.

3. Petition from Cailub Gaynor of Kingscliff High School containing nine signatures

Installation of lights/lamp posts in the Barbara Rochester Park at Cabarita Beach/Bogangar to benefit the community by making the residents feel safe when walking through the Barbara Rochester Park at night.

4. Petition from Akayla Bennett of Kingscliff High School containing 26 signatures

Installation of lights in Ambrose Brown Park Pottsville. At the moment at night it's almost pitch black, with only lights in the shelters. Putting more lights in the park makes the park a safer environment.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Tweed Kenya Mentoring Program - Annual Report for 2015/2016

463

Cr K Milne

Cr C Byrne

RESOLVED that Council receives and notes the annual report documenting outcomes and expenditure associated with the Tweed Kenya Mentoring Program during the 2015/2016 financial year.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

a6 [GM-CM] Destination Tweed - Change of Corporate Structure

LATE ITEM

464

**Cr K Milne
Cr B Longland**

RESOLVED that Item a6 being an Addendum item be dealt with and it be ruled by the Mayor to be of great urgency.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr W Polglase

AGAINST VOTE - Cr C Byrne

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

465

**Cr K Milne
Cr B Longland**

RESOLVED that Council:

1. Formally acknowledges Destination Tweed's intention to change its corporate structure to a limited by guarantee company.
2. Accept the proposed change to Destination Tweed Draft Constitution to have the Mayor or Deputy Mayor appointed as a Director of Destination Tweed as a limited by guarantee company.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr W Polglase

AGAINST VOTE - Cr C Byrne

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

7 [PR-CM] 2016/17 Fees and Charges Amendments - Subdivision Approvals

466

Cr B Longland

Cr W Polglase

RESOLVED that Council adopt:

1. An amendment to Council's 2016/17 Fees and Charges for those items identified in Figure 1 below :

Figure 1:

Item	Activity/Function	Title of Fee/Charge	Fee of Charge Levied 2016/2017 \$	Proposed 20% Increase \$
23	Subdivision Related Certificates	(a) Construction Certificate Application Fee		
		Urban (per standard sized lot)	494.00	592.00
		Rural (per lot)	420.00	504.00
		Other circumstances (per hour). Invoices to be issued after 15 hours of assessment or sooner if the total assessment is less than 15 hours	163.00	195.00
		(b) Construction Certificates amendment fee (per hour). Invoices to be issued after 15 hours of assessment or sooner if total assessment is less than 15 hours.	163.00	195.00
		(c) Construction Certificate Application Fee (bulk earthworks only)		
		Urban (per lot)	263.00	315.00
		Rural (per lot)	210.00	252.00
		(d) Construction Certificate Application Fee (civil works only)		
		Urban (per lot)	315.00	378.00
		Rural (per lot)	273.00	327.00
		(e) Compliance Certificates (per hour - minimum 1 hour - NOT payable at time of lodgement)	163.00	195.00
		(f) Subdivision Certificate (per lot)	242.00	290.00
		(g) 1% Compliance Bond - refundable upon registration of linen plan (minimum charge)	2310.00	2772.00
		(h) 5% Maintenance bond - refundable after 6 month performance (minimum charge)	2310.00	2772.00
		(i) Off-maintenance Inspection		
		(i) 0-5 lots	315.00	378.00
		(ii) 5 + lots	630.00	756.00
		(iii) Off maintenance re-inspection fee (per hour)	163.00	195.00

		(j) Registration and Archiving - Certificates submitted by accredited certifiers (Statutory Fee)		
		Complying Development Certificate	36.00	No Change
		Construction Certificate	36.00	No Change
		Subdivision & Strata Subdivision Certificate	36.00	No Change
		(k) Works as Executed	620.00	744.00
		(l) Hire of Water Meter	\$10 per hour or \$70 per day	\$10 per hour or \$70 per day
		(m) Plan re-certification	368.00	441.00
		(n) Assessment of Specific Conditions of Consent if requested by the PCA. Invoices to be issued after 15 hours of assessment or after 3 months	163.00	195.00
		(o) Construction Certificate (water supply and sewer infrastructure only) - per lot	252.00	302.00
24	Bank Guarantee Administration Fee	Bank Guarantee received in conjunction with development application - administration & acceptance fee	263.00	315.00

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

FOR VOTE - Cr B Longland, Cr K Milne

AGAINST VOTE - Cr C Byrne, Cr W Polglase

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

8 [CNR-CM] Opening Hours of Tweed Shire Libraries

467

Cr C Byrne

Cr K Milne

RESOLVED that Council:

1. Endorses the proposed opening hours of Tweed Shire Libraries as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Murwillumbah	9am-6pm	9am-6pm	9am-6pm	9am-7pm	9am-6pm	9am-1pm
Kingscliff	9am-5pm	9am-5pm	9am-6pm	9am-5pm	9am-5pm	9am-1pm
Tweed Heads	9am-6pm	9am-6pm	9am-6pm	9am-7pm	9am-6pm	9am-1pm

2. Supports the cost neutral rostering of staff to service these hours.

3. Supports extending the Wi-Fi service in and around Murwillumbah Library to 4.00pm on Saturday, beyond the closing time of 1.00pm.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall, Cr P Youngblutt

9 [CNR-CM] Tweed Regional Accessible Park and Playground Concept Plan

468

Cr W Polglase

Cr B Longland

RESOLVED that Council:

1. Notes the submission made to the Tweed Regional Accessible Park and Playground Concept Plan and thanks the contributor for the comments.
2. Adopts the Tweed Regional Accessible Park and Playground Concept Plan as exhibited.

Cr G Bagnall attended the meeting at 05:37 PM

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

10 [CNR-CM] New Fees and Charges item for Canvas and Kettle Meeting Room

469

Cr C Byrne

Cr W Polglase

RESOLVED that Council advertises the proposed hire charges for the Canvas & Kettle Meeting room for a period of 28 days inviting public submissions, with a further report to be presented to Council following the expiration of the advertising period.

Canvas & Kettle	Community rate	Commercial rate
(a) Hourly	\$25	\$50
(b) Half day or evening (4hrs)	\$60	\$120
(c) Full day (8 hrs)	\$120	\$240
	with Council use exempt from the fee	

The Motion was **Carried**

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

11 [CNR-CM] The Anchorage Boardwalk - Options Report

470

Cr W Polglase
Cr B Longland

RESOLVED that Council:

1. Considers an allocation of \$20,000 in the September quarterly budget review for investigations to enable the preparation of a detailed plan and associated costing to remediate the structure, and
2. Subject to Recommendation 1, considers a further report with substantial remediation as the preferred method to proceed with the management of The Anchorage Boardwalk located in Terranora Inlet, Tweed Heads.

The Motion was **Carried**

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

12 [CNR-CM] Outcomes of the Food for Thought Forum

471

Cr K Milne
Cr G Bagnall

RESOLVED that Council:

1. Reviews its Markets Policy with the aim of growing and sustaining a range of vibrant and successful local farmers markets throughout the Tweed, building on the successful model of the Murwillumbah Farmers Market.
 2. Builds on the Rural Lands Strategy by reviewing the LEP to enable farm diversification including greater value adding.
 3. Conducts another food forum in the 2017/2018 financial year subject to available funding and/or sponsorship.
 4. Commissions a feasibility into the establishment of a food processing cluster in the Tweed as outlined in the Tweed Economic Development Strategy.
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5. Acknowledges "Taste the Tweed" as the food tourism brand for the Tweed launched recently by Destination Tweed.
6. Acknowledge that Destination Tweed is developing a database of local producers interested in being involved in local food retail and agribusiness activities.

AMENDMENT

472

**Cr C Byrne
Cr W Polglase**

PROPOSED that:

1. Reviews its Markets Policy with the aim of growing and sustaining a range of vibrant and successful local farmers markets throughout the Tweed, building on the successful model of the Murwillumbah Farmers Market.
2. Builds on the Rural Lands Strategy by reviewing the LEP to enable farm diversification including greater value adding.
3. Conducts another food forum in the 2017/2018 financial year subject to available funding and/or sponsorship.
4. Commissions a feasibility into the establishment of a food processing cluster in the Tweed as outlined in the Tweed Economic Development Strategy.
5. Destination Tweed to develop a database of local producers interested in being involved in local food retail and agribusiness activities and to provide a copy to Council prior to 1 January 2017.

The Amendment was **Lost**

FOR VOTE - Cr C Byrne, Cr W Polglase

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

ABSENT. DID NOT VOTE - Cr P Youngblutt

The Motion was **Carried** (Minute No 471 refers)

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

AGAINST VOTE - Cr C Byrne, Cr W Polglase

ABSENT. DID NOT VOTE - Cr P Youngblutt

13 [CNR-CM] Request for Offer RFO2016-120 Construction of Tyalgum Memorial Park and Lookout

473

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a future meeting with further advice from the Tyalgum Residents Association in regard to the possibility of the community undertaking part or all of these works.

AMENDMENT

474

Cr C Byrne
Cr B Longland

RESOLVED that in respect to Contract RFO2016120 Construction of Tyalgum Memorial Park and Lookout:

1. Council awards the contract to D'Bah Enterprises (t/a Greenwood Landscape Management) ABN 61 850 361 870 for the amount of \$179,200.53 (excl 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 Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 474 refers)

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

14 [CNR-CM] SALT Surf Life Saving Club

475

Cr B Longland
Cr G Bagnall

RESOLVED that Council approves publishing a notice of Council's intention of entering into a lease with SALT Surf Life Saving Club over all of Lot 173 DP 1075495 and part Lot 901 DP 1066477, as clearly identified in an attached diagram, for a term of 10 years and an option, in favour of the lessee, for a further 10 years.

The Motion was **Carried**

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

a14 [CNR-CM] Response to NSW Government Discussion Paper "Foundations for Change - Homelessness in NSW"

LATE ITEM

476

**Cr C Byrne
Cr W Polglase**

RESOLVED that Items a14 and b14 being Addendum items be dealt with and ruled by the Mayor to be of great urgency.

The Motion was **Carried**

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

477

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council endorses the submission to the NSW State Government in response to the Discussion Paper "Foundations for Change - Homelessness in NSW".

The Motion was **Carried**

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

b14 [CNR-CM] Productivity Commission's Inquiry - Identifying Sectors for Reform

478

**Cr K Milne
Cr C Byrne**

RESOLVED that Council receives and notes the submission in response to the Productivity Commission's Inquiry - Identifying Sectors for Reform.

The Motion was **Carried**

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

c14 [CNR-CM] Black Rocks Sportsfield

DISCLOSURE OF INTEREST

Cr K Milne declared a non-pecuniary non-significant interest Item c14 [CNR-CM] Black Rock Sportsfield. Cr Milne advised that the nature of the interest is that a submitter to this matter is a candidate on her Group ticket for the election of 29 October 2016.

Cr Milne will manage the interest by remaining in the Chamber and voting on the merits of the matter.

This item was dealt with earlier in the meeting at Minute No. 461 where the Mayor ruled that this item was not of an urgent nature and therefore refused to accept it onto the Agenda, in accordance with Part 1.3.1 of the Code of Meeting Practice V.2.5.

REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] Bridge Naming - Tweed Valley Way, Burringbar

479

Cr W Polglase
Cr B Longland

RESOLVED that:

1. Council adopts the name Occupation Bridge for the bridge crossing over Tweed Valley Way at Burringbar and separating Lot 2 in DP 1171700.
2. The naming of the bridge is gazetted under the provisions of the Roads (General) Regulation 2008 and the Roads Act, 1993 as amended.

The Motion was **Carried**

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

16 [E-CM] Classification of Land as Operational - 341 Tweed Valley Way, South Murwillumbah

480

Cr B Longland
Cr G Bagnall

RESOLVED that Council, in accordance with Section 31 of the *Local Government Act, 1993* classifies Lot 7 Section 8 DP 2974 and Lot 1 in DP 357123 being 341 Tweed Valley Way, South Murwillumbah as operational land.

The Motion was **Carried**

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

17 [E-CM] Crown Reserve 95559 at Tyalgum

481

Cr K Milne
Cr C Byrne

RESOLVED that:

1. Tweed Shire Council resigns as Trustee of Crown Reserve 95559 for Caravan and Camping Park, comprised in Lot 105 DP 728111 at Tyalgum; and
2. All necessary documentation is executed under the Common Seal of Council.

The Motion was **Carried**

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

18 [E-CM] Amendment to Section 94 Plans

482

Cr W Polglase
Cr B Longland

RESOLVED that:

1. Council approves the following Draft Section 94 Developer Contribution Plans:
 - CP04 Tweed Road Contribution Plan Version 6.3
 - CP18 Council Administration Offices and Technical Support Facilities Version 2.3
 - CP23 Offsite Parking Version 2.4,

as exhibited to repeal and replace prior versions in accordance with Clause 31 of the Environmental Planning and Assessment Regulation 2000; and

2. The Plans will come into effect concurrently with Business Investment Policy (Version 2.0) as specified in resolution 9 of the Council meeting held 18 August 2016.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr G Bagnall, Cr C Byrne, Cr W Polglase

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr P Youngblutt

19 [E-CM] RFO2016131 Supply of Hydrofluorosilicic Acid (H₂SiF₆)

483

Cr C Byrne

Cr B Longland

RESOLVED that in respect to Contract RFO2016131 Supply of Hydrofluorosilicic Acid (H₂SiF₆):

1. Council awards the contract to Axieo Specialties (a division of Axieo Operations Australia Pty Ltd), ABN 88 602 074 322, for the period 1 November 2016 to 30 June 2018, with provision for 2 x 12 month contract extension options available to be exercised at General Manager's discretion.
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 - Cr B Longland, Cr G Bagnall, Cr C Byrne, Cr W Polglase

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr P Youngblutt

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

20 [CS-CM] Application for 2016/2017 Events Sponsorship - World Environment Day Festival - 4 June 2017

484

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council approves the Caldera Environment Centre's 2016/2017 Events Sponsorship Application for \$5,000 to conduct the 2017 World Environment Day Festival on Sunday 4 June 2017.

AMENDMENT

485

**Cr C Byrne
Cr W Polglase**

PROPOSED that this matter be deferred to a future Council meeting.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No. 484 refers)

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

21 [CS-CM] Late Application for 2016/2017 Events Sponsorship - Murwillumbah Show

486

**Cr K Milne
Cr B Longland**

RESOLVED that:

1. Council approves the Tweed River Agricultural Society Ltd's 2016/2017 Events Sponsorship Application for \$7,500 to conduct the 2016 Murwillumbah Show on Friday 4 and Saturday 5 November.

2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

(a) *personnel matters concerning particular individuals (other than councillors)*

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

22 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2016

487

Cr K Milne

Cr G Bagnall

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

23 [CS-CM] Legal Services Register for the Period 1 July to 30 September 2016

488

Cr G Bagnall

Cr K Milne

RESOLVED that Council receives and notes the Legal Services Register Report for the Period 1 July to 30 September 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

24 [CS-CM] Pecuniary Interest Returns 2015/2016

489

Cr G Bagnall

Cr K Milne

RESOLVED that the Pecuniary Interest Returns for Councillors and Designated Persons for the period 1 July 2015 to 30 June 2016 as tabled, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

25 [CS-CM] Audit Committee Report for Year Ended 30 June 2016

490

Cr B Longland

Cr C Byrne

RESOLVED that Council receives and notes the Audit Committee Annual Report highlighting its activities for the financial year ended 30 June 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

26 [CS-CM] 2015/2016 Draft Statutory Financial Reports/Audit Report

491

Cr C Byrne

Cr B Longland

RESOLVED that:

1. In accordance with Section 413(1) of the Local Government Act 1993 Council refers the General Purpose Financial and Special Purpose Financial Reports for audit.
2. The statement as to Council's opinion on the General Purpose Financial Reports as required by Section 413(2)(c) of the Local Government Act 1993 and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting for the financial period 2015/2016, be executed.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

27 [CS-CM] Tweed Shire Council Annual Report 2015/2016 includes SOE

492

Cr W Polglase

Cr B Longland

RESOLVED that Council adopts the Tweed Shire Council Annual Report 2015/2016 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.35pm

28 [CS-CM] Carry Over Works from 2015/2016 to 2016/2017 Budget

493

Cr B Longland

Cr G Bagnall

RESOLVED that Council adopts the Carry Over Works 2015/2016 and the expenditure and income, as detailed within the report, be applied to the 2016/2017 Budget.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

29 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 September 2016

494

Cr B Longland

Cr K Milne

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 September 2016 totalling \$271,002,666 be received and noted.

The Motion was **Carried**

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

ORDERS OF THE DAY

30 [NOM] Banora Point Drainage Scheme

495

Cr K Milne
Cr G Bagnall

PROPOSED that Council:

1. Notes the ongoing reports of concern from the community of the poor state of the Banora Point Drainage Scheme, the fish kills, and the over-abundance of eels decimating the water birds.
2. Provides a report on the state of the waterway, why it appears to be deteriorating over the years, controls undertaken for the eels, and actions being undertaken to address these problems.
3. Establishes a Council community advisory group to progress action to restore the waterway to a healthy state.

The Motion was **Lost**

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

31 [NOM] Proposed Shark Control for the Tweed Coast

496

Cr K Milne
Cr G Bagnall

PROPOSED that:

1. Council notes:

- a) The announcement by the Premier Mike Baird and Minister Niall Blair of the 85 drum lines proposed to be rolled out along the NSW Coast, including the Tweed Coast, (which requires approval from the Federal Government), and the announcement by the Federal Environment Minister that the Federal Government would be open to shark culls.
 - b) The successful shark spotting tower trial recently completed at Byron's Wategoes Beach, and the positive results of shark spotting drone trials reported at Port Macquarie.
2. The Mayor writes to the Premier, and State and Federal Ministers and Local Members to object in the strongest terms to the drum lines and shark culls due to the impact on marine life such as baby whales, dolphins, turtles, and non-target sharks, the success of the shark spotting tower and drone trials, and the lack of any consultation at all with the Tweed community or Tweed Council.
 3. Council requests that, at a minimum, full and comprehensive consultation is carried out prior to any installation of drum lines or shark culls and that the shark spotting trials be properly assessed before any of the above actions are taken.

The Motion was **Lost**

FOR VOTE - Cr G Bagnall, Cr K Milne

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

ABSENT. DID NOT VOTE - Cr P Youngblutt

QUESTIONS ON NOTICE

32 [QoN-Cr Milne] Rail Trail

QUESTION ON NOTICE:

Cr K Milne asked:

1. If the Tweed Rail corridor is converted to a Rail Trail will this remain in public ownership and/or is it intended to be leased?
2. What are the areas along the Rail corridor that are problematic for dual use of biking and walking? Please describe and provide a diagram.
3. What are the costs of conversion to a Rail Trail compared to the dual use of preserving the rail line and providing for a Rail Trail adjacent?
4. Who will be responsible for maintaining the Rail Trail once established and how much is this estimated to cost per annum?
5. How many submissions were made to the previous Rail Trail to the Art Gallery exhibition process and how many were for or against?

The Director Engineering responded.

1. *Under the model proposed by Council and NRRT Inc. the Rail Corridor would remain in public ownership with a Government appointed Trust operating and managing the corridor.*
2. *Recreational biking and walking are compatible uses along the proposed rail trail corridor.*

Trains and rail trail dual use is however not possible through tunnels and narrow cuttings because there is simply not enough space. Diverting the trail over the hill or mountain is generally not possible due to the steep gradient. It is also difficult, costly, and problematic where the rail formation is elevated on an embankment. In this instance an off-formation rail trail would be to the side, at the bottom of the embankment, and have to contend with natural topography (steep longitudinal gradients), drainage, mature vegetation, waterbodies, swampy ground, fencing and utilities. Such a trail would also require frequent crossings of the rail formation to avoid obstructions. This scenario would result in a poor quality rail trail. Dual use would be possible where the rail formation is at grade (on flat land and not elevated). However, due to the Tweed's topography, this is rare. An illustration of the rail corridor profile in Tweed Shire is available and those sections of tunnels, cuttings, embankments and at grade are marked accordingly.

3. *Current cost estimates indicate that the Tweed Valley Trail (on formation) would cost approximately \$535,000/km. The estimate for off-formation trail only with no improvements to the train infrastructure is approximately \$970,000/km. Bearing in mind that in some sections of the track it would not be possible to take the track off formation.*
4. *The governance model put forward by Council and NRRT Inc proposes a Government appointed Trust being responsible for the operation and management of the trail, including maintenance. Estimates indicate the trail would cost around \$8575/km/year to maintain.*
5. *Eighteen submissions were received. Nine submissions were supportive of the rail trail, eight were opposed and one was impartial.*

Cr C Byrne temporarily left the meeting at 08:03 PM.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

PROCEDURAL MOTIONS

497

Cr C Byrne has returned from temporary absence at 08:05 PM

498

Cr B Longland

Cr K Milne

RESOLVED that Items 33 to 40 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

499

Cr B Longland

Cr K Milne

RESOLVED that Items 33 to 40 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

33 [SUB-CHAC] Minutes of Community Halls Advisory Committee Meeting held Monday 1 August 2016

500

Cr B Longland

Cr K Milne

RESOLVED that the Minutes of the Community Halls Advisory Committee Meeting held Monday 1 August 2016 (including the Record of Proceedings of the Community Halls Advisory Committee Meeting held Monday 23 May 2016) be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

34 [SUB-ADC] Minutes of the Tweed Shire Australia Day Committee Meeting held Wednesday 3 August 2016

501

Cr B Longland

Cr K Milne

RESOLVED that the Minutes of the Tweed Shire Australia Day Committee Meeting held Wednesday 3 August 2016 be received and noted.

The Motion was **Carried**

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

35 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 23 September 2016

502

Cr B Longland
Cr K Milne

RESOLVED that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 23 September 2016 be received and noted.

The Motion was **Carried**

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

36 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held 5 August 2016

503

Cr B Longland
Cr K Milne

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 August 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
 - A2. Adrian Robins (Everick)
 - (c) Visionstream - 429 Carool Road, Carool

That site monitors from TBLALC and traditional owner groups be on site during any excavation works at 429 Carool Road, Carool in accordance with Recommendation 1 of the Cultural Heritage and Vegetation Assessment prepared by Everick and dated July 2016.

The Motion was **Carried**

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

37 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 August 2016

504

Cr B Longland
Cr K Milne

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 August 2016 be received and noted.

The Motion was **Carried**

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

38 [SUB-LTC] Minutes of the Local Traffic Committee Meeting Held Thursday 8 September 2016

505

Cr B Longland
Cr K Milne

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held 8 September 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] Tweed Coast Enduro Triathlon - 25 February 2017

That the proposed Tweed Coast Enduro Triathlon on Saturday 25 February 2017 be supported, subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Triathlon Australia.
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
4. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.
5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the

- event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
6. 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 Community Event application/Major Event application and compliance with any conditions imposed therein.
 13. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
 14. A report be provided to Council, by the event organiser, within two weeks of conduct of the event, showing compliance with the above conditions.

A2 *[LTC] 14th Kingscliff Triathlon Multisport Weekend 26 and 27 November 2016*

That the proposed 14th Kingscliff Triathlon Multisport Weekend on Saturday 26 and Sunday 27 November 2016 be supported, subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Triathlon NSW and Triathlon Australia.
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 including a letterbox drop to directly affected residents.
5. The event organiser notifies Kingscliff 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 Community Event application/Major Event application and compliance with any conditions imposed therein.
13. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
14. A report be provided to Council, by the event organiser, within two weeks of conduct of the event, showing compliance with the above conditions.

A3 [LTC] Wharf Street, Tweed Heads

That the "Give Way" sign and linemarking adjacent to No. 69 Wharf Street, Tweed Heads in the service lane be removed and the longitudinal linemarking be installed on Wharf Street over the entrance to the service lane.

A4 [LTC] Boyd Street, Tweed Heads

That the currently posted 2 hour parking during business hours restrictions on the west side of Wharf Street between Boyd Street and Brett Street be removed.

A5 [LTC] 56 Wharf Street, Tweed Heads

That the existing time limited spaces on Wharf Street on the eastern side between Frances Street and Florence Street be changed to 2P during normal business hours.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

39 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 October 2016

506

**Cr B Longland
Cr K Milne**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 13 October 2016 be received and noted; and

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

A2 [LTC] Tweed River Festival 12 November 2016

That the proposed temporary road closures associated with the Tumbulgum 150 Celebrations / Tweed River Festival on Saturday 12 November 2016 be supported subject to:

1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
2. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.
3. 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.
4. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
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. Arrangements made for private property access and egress affected by the event.
9. 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.
10. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

A3 [LTC] Smiths Creek Road, Stokers Siding

That:

1. Further speed review by RMS is not supported.
2. Centre linemarking be reviewed and installed where appropriate on Smiths Creek Road in the vicinity of Bennelong Place.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

40 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 8 September 2016

507

**Cr B Longland
Cr K Milne**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 8 September 2016 be received and noted.

The Motion was **Carried**

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

SUSPENSION OF STANDING ORDERS

508

**Cr K Milne
Cr W Polglase**

RESOLVED that Standing Orders be suspended at 8.08pm to consider the Tweed Coast Holiday Parks Reserve Trust Agenda.

The Motion was **Carried**

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

RESUMPTION OF STANDING ORDERS

509

**Cr C Byrne
Cr K Milne**

RESOLVED that Standing Orders be resumed at 8.15pm.

The Motion was **Carried**

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

CONFIDENTIAL ITEMS FOR CONSIDERATION

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

510

Cr C Byrne
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
ABSENT. DID NOT VOTE - Cr P Youngblutt

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 FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Approval to Operate Community Markets

REASON FOR CONFIDENTIALITY:

Prejudice the commercial position of the person who supplied it.

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.

That Council:

1. Grants conditional approval to Aggressive Salmon Pty Ltd to operate, monthly day and monthly night, community markets at ANZAC Memorial Precinct, Jack Evans Boat Harbour TWEED HEADS and relevant conditions be applied to the approval as determined by the Director Planning and Regulation; and
2. Does not proceed with the current EOI process for Salt Central Park, and undertakes further consultation with the business community of SALT to determine the most appropriate community market concept that will complement the existing businesses and connect to the character and identity of the SALT community and to readvertise EOI with these additional considerations.

The Motion was **Carried**

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

AGAINST VOTE - Cr G Bagnall, Cr K Milne

ABSENT. DID NOT VOTE - Cr P Youngblutt

aC1 [PR-CM] Class 1 Appeal - Development Application DA15/0201 for a 17 Lot Community Title Subdivision at Lot 156 DP 628026 No. 40 Creek Street, Hastings Point

LATE ITEM

That Item aC1 being an Addendum item be dealt with and it be ruled by the Mayor to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

REASON FOR CONFIDENTIALITY:

This report is confidential as it concerns advice from Council's advisors in relation to the Court appeal.

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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

That Council continues with the current defence within the NSW Land and Environment Court for Development Application DA15/0201 in respect of the Class 1 appeal for the deemed refusal of a 17 lot subdivision at Lot 156 DP 628026, 40 Creek Street, Hastings Point.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr P Youngblutt

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C2 [E-CM] Acquisition of Land for Road - Intersection of Terranora Road and Fraser Drive, Terranora

REASON FOR CONFIDENTIALITY:

The negotiated financial outcome may jeopardise Council's position on subsequent negotiations of a similar nature.

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.

That:

1. Council approves the compensation payable to the owner of Lot 13 in DP716222 for the acquisition and dedication of road, as noted in the body of the report.
2. All necessary documents be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C3 [CS-CM] Unpaid Rates

REASON FOR CONFIDENTIALITY:

This report details information on outstanding rates on particular properties, which should not be discussed in open 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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Cr W Polglase temporarily left the meeting at 08:28 PM.

Cr W Polglase has returned from temporary absence at 08:32 PM

That:

1. The report on the Unpaid Rates of specific properties in Tweed Heads South and Terranora with LOT and DP's as detailed within the report be received.
2. The registered owners be directed to make payment of all outstanding rates and charges in relation to the two properties by 31 December 2016; and
3. If the full outstanding amounts are not received by 31 December 2016, Council move to commence wind up action through the Federal Court.

The Motion was **Carried**

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

LATE ITEM

[GM-CM] Training Camp

That Confidential Item aC4 being an Addendum item be dealt with and it be ruled by the Mayor to be of great urgency.

The Motion was **Carried**

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

That Council:

1. Endorses Option 1 as outlined within the body of the report.
2. Notes the General Manager will liaise with the other parties to coordinate a public announcement.

The Motion was **Carried**

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

511

**Cr K Milne
Cr G Bagnall**

RESOLVED that the Committee resumes in Open Council.

The Motion was **Carried**

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

512

Cr K Milne
Cr G Bagnall

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

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

There being no further business the Meeting terminated at 8.40pm



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

Chairman

