



**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 21 April 2016**

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 5.02pm.

### **IN ATTENDANCE**

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

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

### **ABORIGINAL STATEMENT**

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."*

### **PRAYER**

The meeting was opened with a Prayer from the Deputy Mayor.

### **CONFIRMATION OF MINUTES**

#### **1 [CONMIN-CM] Confirmation of the Minutes of the Ordinary and Confidential Council Meeting held Thursday 17 March 2016**

158

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 17 March 2016 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

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

**2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 7 April 2016**

159

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that the minutes of the Ordinary Council Meeting held Thursday 7 April 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 K Milne***

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**APOLOGIES**

Note from 7 April 2016

Cr K Milne (Mayor), informed the General Manager that her absence is caused by illness and was granted leave of absence up to and included 2 May 2016 at Minute 158 of Council meeting held Thursday 7 April 2016.

Cr K Milne (Mayor), in accordance with Section 234(1)(d) of the Local Government Act 1993, requests an extension to this absence to 31 May 2016.

160

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Councillor K Milne's leave of absence be extended to 31 May 2016, in accordance with Section 234(1)(d) of the Local Government Act 1993.

The Motion was **Carried**

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

**DISCLOSURE OF INTEREST**

Nil.

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

Nil.

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR-CM] Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolution as at 21 April 2016 was received and noted.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for March 2016

161

Cr G Bagnall

**RESOLVED** that:

1. The Mayoral Minute for the month of March 2016 be received and noted with the inclusion of the following amendments (highlighted bold):
  - 3 March Tweed Domestic and Family Violence Forum – Banora Point Community Centre, Corner Leisure and Woodlands Drives, Banora Point. Crs **Bagnall**, Byrne and Longland also attended.
  - 10 March Breaking the Ice In Our Community forum – Tweed Civic Centre, Brett Street, Tweed Heads. Crs Bagnall, Byrne, Longland, **Polglase and Youngblutt** also attended.

The Motion was **Carried**

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

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## LATE MAYORAL MINUTE

### a4 [MM-CM] Mayoral Minute - Murwillumbah TAFE

In view of the limited time that TAFE has allowed for interested parties to provide evidence of their intention to present a plausible and reasonable alternative use of the Murwillumbah TAFE college, the Deputy Mayor will move that:-

162

Cr G Bagnall

**PROPOSED** that Tweed Shire Council provides \$15,000 towards the cost of the \$25,000 needed to engage a suitable person to prepare a business case to develop the TAFE

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building into a creative industries centre as outlined in the consultancy brief provided separately to councillors.

## **AMENDMENT 1**

**163**

**Cr G Bagnall**

**PROPOSED** that the consortium of interested parties in the purchase of the Murwillumbah TAFE present to a future Workshop their arguments for Council to provide funding towards the development of a business case to purchase the Murwillumbah TAFE site.

The Amendment was **Lost**

**FOR VOTE - Cr B Longland, Cr G Bagnall**

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

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

The Motion was **Lost**

**FOR VOTE - Cr B Longland, Cr G Bagnall**

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

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

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## **RECEIPT OF PETITIONS**

**5 [ROP-CM] Receipt of Petitions**

**164**

**Cr P Youngblutt**

**Cr W Polglase**

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

- Petition from residents of Palm Avenue and Cypress Crescent, Cabarita containing seven signatories as follows:

*"We, the undersigned, formally request Tweed Shire Council to undertake a review of our rates because the operation of Halcyon House, under Tweed Council approval, has destroyed amenities in our neighbourhood, and devalued our properties. We seek this review on behalf of all the residents in Palm Avenue and Cypress Crescent, Cabarita NSW 2488*

*We particularly refer to ongoing excessive noise, obstructed access, lack of parking and rubbish complaints and problems which remain unaddressed by Tweed Shire Council since Halcyon House opened in 2014.*

*We now seek a significant reduction in our rates."*

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- Petition against aquaSplash in Jack Evans Boat Harbour containing 212 signatories as follows:

*"Aquasplash is proposing to place numerous plastic, inflatable structures in the Jack Evans Boat Harbour (JEBH). This massive complex will ruin the pristine environment at JEBH which currently enjoyed by families and recreational users, as well as destroying the seagrass which is a habitat of turtles, stingrays and many species of fish. We the undersigned strongly object to this proposal and urge Council to reject it."*

- Petition addressed to Councillor Barry Longland and Tweed Shire Council from "the people of Uki, Tweed Shire, Australia and the world" containing 107,030 online signatories as follows:

*"We the people of Uki, Tweed Shire, Australia and the world call on you to please act urgently to protect Tweed Coast's koalas. The Tweed Coast Koala Habitat Study 2015 shows koala populations are in severe decline north of Koala Beach and stable at Pottsville/Black Rocks. However, stable only means the same low levels as 2010.*

*In December 2015 another two Black Rocks koalas have been found with conjunctivitis/chlamydia, one of them a joey. Chlamydia is linked to stress-related disturbance/noise and there is clearly already too much stress at Black Rocks without adding more. In the last two years, four Black Rocks koalas have died of stress-related disease. Out of a small population of an estimated 15 in the Pottsville/Black Rocks area, this high rate of death is unsustainable.*

*Black Rocks koalas have no protection under the Council's Tweed Coast Koala Plan of Management (KPoM). Their own independent KPoM is outdated and its recommendations - only small dogs in enclosed yards, no dangerous breeds, monitoring every 12 months for 3 years - are not implemented.*

*In the Tweed Valley Weekly 18th September, 2014 issue you said, "I am keen to protect koalas and have them thrive." We voted you into council believing you would protect the environment. Over the last two years you have voted against effective protection for Black Rocks koalas. You have also been the main instigator for the koala protection gate to be replaced with a grid, and you approved a Men's Shed on the sports field. Both of these things will increase the human footprint and cause more disturbance, noise, and stress for the koalas.*

*We acknowledge that you hold the balance of power in council. Therefore your motions and votes are **CRITICALLY IMPORTANT**. Please call for an urgent rescission motion on removing the koala-protection gate and the Men's Shed, and put in a motion for revegetation and enclavement for Black Rocks sports field. You have the power to save these koalas for the sake of Tweed Coast koalas. Barry, please don't let us, and the koalas, down."*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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## REPORTS THROUGH THE ACTING GENERAL MANAGER

### REPORTS FROM THE ACTING GENERAL MANAGER

#### 6 [AGM-CM] Business Excellence Awards Tweed Shire (BEATS) - 2016 Sponsorship Proposal

165

Cr B Longland

Cr P Youngblutt

**RESOLVED** that Council determines the level of Sponsorship of the 2016 Business Excellence Awards Tweed Shire (BEATS) as Silver Sponsor in the amount of \$1,100.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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#### 7 [AGM-CM] Entry statements at Murwillumbah and Kingscliff

166

Cr P Youngblutt

Cr B Longland

**RESOLVED** that Council:

1. Approves the transfer of \$55,000 from the Major Events and Attractions Program (2014/15 rollover budget) and \$35,000 from the Economic Development (2014/15 rollover budget) to be allocated as follows:
    - a) \$60,000 for the creation of an entry statement at the roundabout at Alma Street, Murwillumbah in the form of commissioned artwork; and
    - b) \$30,000 for the creation of an entry statement at the Pacific Highway underpass on Wommin Bay Road, in the form of commissioned artwork; and
  2. Endorses the proposed process for commencement of each public art project at the Alma Street roundabout, Murwillumbah and Wommin Bay Road underpass, Kingscliff.
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3. Determines the method for selection of final art works by either:
  - a) a public vote from a list of shortlisted proposals approved by Council; or
  - b) by Council in accordance with Council's public art procedure; or
  - c) by Council following a public vote from a list of Council approved shortlisted proposals to inform Council's final decision.
4. Includes these budget transfers in the June 2016 Quarterly Budget Review.

The Motion was **Carried**

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

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## **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

### **PROCEDURAL MOTIONS**

**167**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Items 8 to 33, with the exception of Item(s) 10, 11, 14, 27, 28, a28, a29 and 32, be considered in block.

The Motion was **Carried**

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

**168**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Items 8 to 33, with the exception of Item(s) 10, 11, 14, 27, 28, a28, a29 and 32, be moved in block.

The Motion was **Carried**

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

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- 8 [PR-CM] Development Application DA10/0222.26 for an Amendment to Development Consent DA10/0222 for Casuarina Town Centre Including 56 Lot Subdivision, Road Works, Infrastructure Works and Landscaping (Department of Planning Application MP06\_0258) MOD 10 a

169

Cr G Bagnall  
Cr P Youngblutt

**RESOLVED** that Council endorses the comments to be submitted to NSW Planning & Environment with regard to all proposed modifications of the Concept Approval and Project Approval relating to Casuarina Town Centre (MP06\_0258) MOD 10.

The Motion was **Carried**

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

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- 9 [PR-CM] Environmental Enforcement Levy

170

Cr G Bagnall  
Cr P Youngblutt

**RESOLVED** that Council receives and notes this report in respect of the Environmental Enforcement Levy.

The Motion was **Carried**

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

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- 10 [PR-CM] Coolamon Cultural Centre, Conservation Management Strategy and Expression of Interest for Commercial Leasing

171

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that the:

1. Conservation Management Strategy for the Coolamon Cultural Centre prepared by David Scobie Architects is received and noted and is to be made publicly available;

2. Conservation Management Strategy for the Coolamon Cultural Centre is to be updated upon completion of any major works or otherwise at 7 year intervals;
3. General Manager is to evaluate future potential uses of the premises ensuring that the long-term reuse returns the highest sustainable values for management, maintenance and restorative work, positive local employment and economic benefit, and public access and use;
4. General Manager is to prepare and advertise a public expression of interest tender calling for expressions of interest for the use of the Coolamon Cultural Centre on a commercial lease basis;
5. General Manager is to prepare and submit a report to Council detailing the outcome of the expression of interest tender and the evaluation of long-term sustainable reuse options for the premises, including but not limited to a comparison of:
  - a) the financial implications on running costs, maintenance, and restoration;
  - b) improving public access and use of the premises;
  - c) likely economic and employment benefit to the Murwillumbah Township.

The Motion was **Carried**

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

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11 [PR-CM] aquaSplash

172

**Cr W Polglase**  
**Cr P Youngblutt**

**RESOLVED** that:

- A. ATTACHMENT 1 is 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.
- B. The General Manager advises the firm aquaSplash in writing of the following:
  - i. Council generally supports that aquaSplash continue to investigate the concept and any necessary licences/approvals from the Department of Primary Industry – Lands for a trial use at Jack Evans Boat Harbour.
  - ii. The proposed activity requires development consent from Council and the above support does not pre-empt or fetter any discretion Council exercises for the assessment and determination of a development application or any other statutory function Council has for Jack Evans Boat Harbour.

- iii. Prior to advancing any support for individual proponents such as aquaSplash, Council will need to conduct a Tender process to provide an equitable opportunity for other commercial proponents to use Jack Evans Boat Harbour.
- iv. Any future development application submitted to Council must include but not be limited to the following:
  - a. Evidence of consultation with residents of Seascapes, Twin Towns, Centro Shopping Centre, Tweed Heads Residents Association, Tweed Heads Chamber of Commerce and Big Trev Water Sports.
  - b. The trial is to commence after 7 November 2016 and finish no later than 15 March 2017.
  - c. An acoustic report undertaken by an acoustic consultant.
  - d. A report from a suitably qualified ecologist or marine biologist assessing the impacts on the waterway including water quality monitoring for the duration of the trial and recommended mitigation measures if required.
  - e. Car parking and traffic analysis.
  - f. The colour of the inflatable aqua park be limited to blue and green.
  - g. The aqua park application is to demonstrate how it will not hinder the fireworks display on New Year's Eve.

#### **AMENDMENT 1**

173

**Cr G Bagnall  
Cr B Longland**

**PROPOSED** that Council does not offer a letter of support.

Amendment 1 was **Lost**

**FOR VOTE - Cr B Longland, Cr G Bagnall**

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

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

The Motion was **Carried** (Minute No 172 refers).

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

**AGAINST VOTE - Cr B Longland, Cr G Bagnall**

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

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| <b>A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS G BAGNALL, B LONGLAND AND K MILNE.</b> |
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**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**12 [CNR-CM] Tweed Urban Stormwater Quality Management Plan**

**174**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council places the draft Tweed Urban Stormwater Quality Management Plan 2016 on exhibition for a period of 28 days with submissions to be received for 42 days.

The Motion was **Carried**

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

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**13 [CNR-CM] Private Land Conservation Program Quarterly Report**

**175**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the first quarter of 2016.

The Motion was **Carried**

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

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**14 [CNR-CM] Black Rocks Sports Field Entrance Options**

**176**

**Cr B Longland  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Rescinds the resolution of 21 May 2015 Minute No 283 containing the wording:

"2. *Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment. The gates should not be replaced with a koala grid until the study referred to in paragraph 1 is complete.*"

2. Upgrades the gate at the entrance to the Black Rocks Sports Field to provide a solar-powered electronic, automated vehicle gate. The upgrade will include remodelling of pedestrian access arrangements, landscaping and rationalisation of signage.
3. Notes the advice from officers contained within this report and dispenses with the need for a survey of Pottsville residents to canvass their opinions on this matter.
4. Retains the existing Black Rocks Sports Field for use as a sports field and the currently approved site of the Pottsville Men's Shed.
5. Prepares an operational management plan specifically for Black Rocks Sports Field in consultation with the Office of Environment and Heritage.

The Motion was **Carried**

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

**AGAINST VOTE - Cr G Bagnall**

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

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**15 [CNR-CM] Annual Report - Year One Implementation Tweed Coast Comprehensive Koala Plan of Management**

177

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Council receives and notes the outcomes and status of the first year of implementation of the works program for the Tweed Coast Comprehensive Koala Plan of Management.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**16 [CNR-CM] Design and Construction of Office and Research Facilities at Tweed Regional Museum, Kennedy Drive, Tweed Heads West**

178

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Council:

1. Notes the proposed planning, design and construction of office accommodation at the Tweed Regional Museum site at Kennedy Drive, Tweed Heads West as exempt development under Schedule 1 of the NSW State Environmental Planning Policy (Infrastructure) 2007; and
2. Notes sufficient funds have been identified and included in the March Quarterly Budget Review.
3. Proceeds with the Request for Offer phase of this project.
4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

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**17 [CNR-CM] Les Burger Field Upgrade**

**179**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Endorses the Community Safety Plan as identified in the Delivery Program (2013-2017) and Operational Plan 2015-2016 Strategies being:

*"P2.1.1.12 Community Safety Plan*

*P2.1.1.13 Implementation of the Community Safety Plan"*

will not be prepared and therefore removed from the 2013-2017 Delivery Program and Operational Plan 2015-2016.

2. Revotes funding for the Community Safety Plan towards the Les Burger Field informal youth recreation space upgrade.

The Motion was **Carried**

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

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

**180**

**Cr G Bagnall  
Cr P Youngblutt**

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

1. Council notes approved Variations 01 to 14 for the total amount of \$47,768.86 (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  
ABSENT. DID NOT VOTE - Cr K Milne**

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**REPORTS FROM THE ACTING DIRECTOR ENGINEERING**

**19 [E-CM] RFO2016018 2015/2016 Asphalt Rejuvenation Program**

**181**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that in respect to Contract RFO2016018 2015/2016 Asphalt Rejuvenation Program:

1. Council awards the contract to BMR Quarries Pty Ltd T/A Roadwork Industries (ABN-98 112 732 797, ACN- 112 732 797) for the amount of \$178,829.18 (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**  
**ABSENT. DID NOT VOTE - Cr K Milne**

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**20 [E-CM] RFO2016029 Supply, Construction, Testing and Commissioning of Sewer Pipeline and Associated Works adjacent to Glen Ayr Drive Banora Point (SEW55)**

**182**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that in respect to Contract RFO2016029 Supply, Construction, Testing and Commissioning of Sewer Pipeline and Associated Works adjacent to Glen Ayr Drive Banora Point (SEW55):

1. Council awards the contract to Civil Logic Pty Ltd (ABN- 81 168 035 498, ACN- 168 035 498) for the amount of \$153,245.63 (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**  
**ABSENT. DID NOT VOTE - Cr K Milne**

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**21 [E-CM] RFO2015167 Supply of One (1) Truck Mounted Elevated Work Platform**

**183**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that in respect to Contract RFO2015167 for the Supply of One (1) Truck Mounted Elevated Work platform:

1. Council awards the contract to Gold Coast Isuzu (Option No5 – Isuzu Chassis, 'ALTEC TA45S' Elevated Work Platform) (ABN 47010210723, ACN 010210723) for the amount of \$298,165 (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  
ABSENT. DID NOT VOTE - Cr K Milne***

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**22 [E-CM] Strategic Business Plan, Long Term Financial Plans and Development Servicing Plans for Water Supply and Sewerage Services.**

**184**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council notes the delay in preparation of the Capital Works Program for the Water and Supply and Sewerage Services and therefore the delay in funding the Development Servicing Plans and Strategic Business Plans.

The Motion was **Carried**

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

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**23 [E-CM] Dual Reticulation and Other Recycle Water Schemes**

**185**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council receives and notes this report dealing with Dual Reticulation and Other Recycle Water Schemes.

The Motion was **Carried**

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

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**24 [E-CM] Tweed Heads Bus and Taxi Shelters**

**186**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that:

1. Council applies for up to \$300,000 in grant funding under an applicable Government public transport program for up to three replacement bus / taxi shelters in Wharf Street Tweed Heads.
2. Subject to successful grant funding, Request for Offers be called for the supply and installation of up to three replacement shelters, with designs similar to recently installed bus shelters in Griffith Street Coolangatta, and incorporating advertising panels.

The Motion was **Carried**

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

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**25 [E-CM] Renaming of Bogong Street, Terranora**

**187**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council:-

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1. Publicises its intention to rename "*Bogong Street*" to "*Darro Road*" allowing one month for submissions or objections to the proposal;
2. Submits the proposal through the Land and Property Information's Comprehensive Property Addressing portal for approval by the relevant authorities under the provisions of the Roads (General) Regulation 2000.

The Motion was **Carried**

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

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**26 [E-CM] Naming of Private Access Road - Nunderi**

188

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Publicise its intention to name the private road within Lot 15 DP 826343 as "Nunderi Lane" allowing one month for submissions and objections to the name; and
2. Notifies the relevant authorities under the provisions of the Road (General) Regulation 2008.

The Motion was **Carried**

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

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**27 [E-CM] Road Closure Application - Wabba Road, Cudgera Creek**

189

**Cr C Byrne**  
**Cr B Longland**

**RESOLVED** that:

1. Council approves the road closure of Wabba Road for the all or part of the length of the road reserve following consultation with the landowner and subject to the creation of a Right of Carriageway for the benefit of the Office of Environment & Heritage over Lot 1 DP 551265 and the creation and dedication of a suitable alternate road reserve to provide a non-vehicular public access to the Mooball National Park for walking, cycling and horse riding enthusiasts;

2. Council endorses the progress of this road closure application in accordance with the following steps:
  - (a) In the event that the applicant agrees with Item 1 and to progress the application, that the application proceeds to NSW Trade and Investment Crown Lands;
  - (b) The approval by Crown Lands of the application following a further submission period;
  - (c) A plan of survey to effect the road closure and alternate right of access to the boundary of the Mooball National Park being registered and the title of the closed road being transferred to the applicant.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
  - (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

---

## **28 [E-CM] Crown Acquisition of Road at Fingal Head and Pottsville**

**190**

**Cr G Bagnall**

**Cr B Longland**

**RESOLVED** that Council:

1. Approves the acquisition by Department of Primary Industries Lands of Lots 1 and 2 DP 1174045 at Fingal Head under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 at nil compensation pursuant to section 206 of the Roads Act 1993 for addition to Reserve 1001012 Caravan Park and to approve the dedication of part of Lot 1 DP 1174045 as road pursuant to section 12 of the Roads Act 1993;
2. Approves the acquisition by Department of Primary Industries Lands of Lot 1 DP 1174058 at Pottsville under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 at nil compensation pursuant to section 206 of the Roads Act 1993 for addition to Reserve 1001016 Caravan Park; and
3. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

---

**LATE ITEM**

**191**

**Cr G Bagnall  
Cr B Longland**

**RESOLVED** that Item a28 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

**a28 [E-CM] Sponsorship of the 2016 Northern Rivers Science and Engineering Challenge**

**192**

**Cr G Bagnall  
Cr B Longland**

**RESOLVED** that Council becomes a Bronze Sponsor of the 2016 Northern Rivers Science and Engineering Challenge hosted by Southern Cross University, Lismore, with the Bronze contribution being \$500 excluding GST.

The Motion was **Carried**

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

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**29 [E-CM] RFO2016042 Coronation Avenue Pottsville Asphalt Pavement Reconstruction Works**

This item was dealt with in conjunction with Item a29 of the Agenda. (Minute No 194 refers).

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**LATE ITEM**

**193**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Item a29 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

**a29 [E-CM] RFO2016042 Coronation Avenue Pottsville Asphalt Pavement Reconstruction Works from Seabreeze Boulevard east to Chainage 315**

**194**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that in respect to Contract Offer RFO2016042 Coronation Ave Pottsville Asphalt Pavement Reconstruction Works from Seabreeze Boulevard east to Chainage 315:

1. Council awards the contract to Fulton Hogan Industries Pty Ltd (ABN 54 000 538 689) for the amount of \$207,359.41 (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**  
**ABSENT. DID NOT VOTE - Cr K Milne**

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## **REPORTS FROM THE DIRECTOR CORPORATE SERVICES**

**30 [CS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2016/2017 Operational Plan and Resourcing Strategy**

**195**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that the Delivery Program 2013/2017 incorporating amendments made by the Draft Operational Plan 2016/2017, Draft Revenue Policy and Statement 2016/2017, Operational Plan Budget 2016/2017 and Fees and Charges 2016/2017, be placed on public

exhibition from 26 April to 24 May 2016 inviting submissions, in accordance with Sections 404 and 405 of the *Local Government Act 1993*.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**31 [CS-CM] Call for Motions - 2016 Australian Local Government Association - General Assembly**

196

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Council submits the following Proposed Motions for consideration at the 2016 Australian Local Government Association National General Assembly:

1. Submitted 2015  
The National General Assembly calls on ALGA National Executive to prioritise and increase its political representation to the Commonwealth Government and Federal Treasurer, to reinstate indexing of the Financial Assistance Grants (FAGS).
2. Submitted 2015  
Tweed Shire Council calls on the ALGA National Executive, for political representation to the NSW State Government, to continue its current level of funding of the Pensioner Rebate Subsidy.
3. That the Australian Local Government Association through suitable political representation lobby the Federal and State Governments to consider instituting into the appropriate taxation systems a 'Booking Tax' on online accommodation booking services like Airbnb, in a similar method to the levying of the Hospitality Tax currently being applied in the United States of America.
4. That the Australian Local Government Association lobby both the Federal and State Governments to consider providing an amendment to the Income Tax Assessment Act whereby a private land owner with capacity in their home to let a bedroom or perhaps a granny flat would be exempt from both capital gains tax and land tax provisions should the bedroom or granny flat be let to a person deemed in housing crisis by Centrelink.

Obligations on the property owner would be to register their property with Centrelink and the appropriate Office of State Revenue as available for affordable accommodation and rents payable should be capped and set by a Government body based upon locality.



Localities could be broadly set in four subcategories as follows:

- i. CBD and inner suburbs
- ii. Outer metropolitan suburbs
- iii. Regional city centres
- iv. Rural

Rents payable to the property owner could be made directly by Centrelink in lieu of rental assistance paid directly to the client. This would ensure that the funds were directed to address the accommodation needs as opposed to other expenditure.

5. That the Australian Local Government Association continue dialogue with the Commonwealth Government in requesting that a Constitutional Referendum be conducted to include Local Government as a recognised tier of Government within the Constitution of Australia.
6. That the Australian Local Government Association on a six monthly basis provides a status update to all member councils on the current situation of each motion considered at the previous National General Assembly.

The Motion was **Carried**

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

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## **32 [CS-CM] 2016 Cooly Rocks On - Request for Funding**

Cr P Youngblutt temporarily left the meeting at 06.10PM.

**197**

**Cr G Bagnall**  
**Cr B Longland**

**RESOLVED** that:

1. In keeping with the newly adopted Tweed Shire Events Strategy 2016-2020, Council agrees to establish a three year financial arrangement with "Cooly Rocks On", on a sliding financial scale below:

Direct Financial Contributions by Council:

| <b>2016</b> | <b>2017</b> | <b>2018</b> |
|-------------|-------------|-------------|
| \$10,000    | \$7,500     | \$5,000     |

2. Any funding provided to "Cooly Rocks On" is conditional upon "Cooly Rocks On" providing Council with a report detailing the return on investment arising out of each year's event.

3. Request organisers that five not for profit Tweed based organisations be offered free stalls in prominent locations as previously agreed.

Cr P Youngblutt has returned from temporary absence at 06:13 PM

The Motion was **Carried**

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

---

**33 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 March 2016**

**198**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 March 2016 totalling \$245,195,190 be received and noted.

The Motion was **Carried**

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

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**ORDERS OF THE DAY**

**34 [NOM] Knox Park Toilet Facilities**

**199**

**Cr G Bagnall  
Cr B Longland**

**PROPOSED** that Council accelerates the funding for the replacement of the two existing toilet facilities with a new facility at Knox Park as included within the masterplan.

**AMENDMENT 1**

**200**

**Cr C Byrne  
Cr P Youngblutt**

---

**RESOLVED** that Council explores options for funding the replacement of the two existing amenity blocks at Knox Park, as included in the Knox Park Masterplan, with replacement of these amenities be considered for commencement no later than the end of the 2017/2018 financial year.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 200 refers)

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

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## **SUSPENSION OF STANDING ORDERS**

**201**

**Cr B Longland**  
**Cr G Bagnall**

**RESOLVED** that Standing Orders be suspended and to enter into the Committee of the Whole to discuss with Items 35, 36 and 37 of the Agenda.

The Motion was **Carried**

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

## **RESUMPTION OF STANDING ORDERS**

**202**

**Cr P Youngblutt**  
**Cr B Longland**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

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

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**35 [NOM] Frangela Reserve Flying Fox Camp**

**203**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that this item be withdrawn.

The Motion was **Carried**

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

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**36 [NOM] Management of Flying Foxes**

**204**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that:

1. A report be brought forward that overviews the challenges and opportunities faced by Tweed Shire Council and its community for the management of flying foxes within Tweed Shire with regards to the NSW Office of Environment and Heritage Policy 2015, Flying-Fox Camp Management Policy and draft new templates.
2. The report to include an overview of the existing camps within the Shire:
  - Population numbers;
  - Camp locations and activities;
  - Potential health risks; and

and shall also address:

- Identify potentially suitable for flying fox camps outside of urban areas,
- Limiting impacts on neighbouring houses,
- Appropriate signage,
- The option of Council preparing a Flying Fox Camp Management Plan and a site specific Management Plan for Frangela Reserve.

The Motion was **Carried**

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

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**37 [NOM] Flying Fox Management Plan**

**205**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that this item be withdrawn.

The Motion was **Carried**

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

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**ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.32pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 7.18pm.

**38 [NOM] Jack Evans Boat Harbour - Facilities**

**206**

**Cr W Polglase  
Cr C Byrne**

**RESOLVED** that this item be withdrawn.

The Motion was **Carried**

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

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**39 [NOM] "Take 3 for the Sea" - Clean Beach Initiative**

**207**

**Cr B Longland  
Cr W Polglase**

**RESOLVED** that Council considers supporting the clean beach initiative known as "Take 3 for the Sea" and brings back a report to a future meeting with recommendations for financial and/or in-kind assistance to local volunteers engaged in this innovative program aimed at reducing pollution of the marine environment.

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The Motion was **Carried**

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

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## **PROCEDURAL MOTIONS**

**208**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Items 40 to 47, with the exception of Item 40, be considered in block.

The Motion was **Carried**

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

**209**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Items 41 to 47 be moved in block.

The Motion was **Carried**

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

## **QUESTIONS ON NOTICE**

Nil.

## **DELEGATE REPORTS**

Nil.

## **REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**40** [SUB-ADC] Minutes of the Australia Day Committee Meeting held  
Wednesday 3 February 2016

**210**

**Cr C Byrne  
Cr P Youngblutt**

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**RESOLVED** that Council:

- 1 Receives and notes the minutes of the Australia Day Committee Meeting held Wednesday 3 February 2016; and
- 2 Notes the Tweed Australia Day Committee's disappointment at the departure from the Main Event's Official Program at Kingscliff High School Hall on Australia Day, Tuesday 26 January 2016.

The Motion was **Carried**

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

---

**41 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 February 2016**

**211**

**Cr G Bagnall**  
**Cr P Youngblutt**

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

The Motion was **Carried**

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

---

**42 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 February 2016**

**212**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 February 2016 be received and noted.

The Motion was **Carried**

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

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**43 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 February 2016**

**213**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 February 2016 be received and noted.

The Motion was **Carried**

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

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**44 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 March 2016**

**214**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 March 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A4. DA04/0162.02 Dulguigan Quarry, Dulguigan - Denise Galle (Tweed Shire Council) and Phil Habgood (Converge)**

*"That Council notes that the Aboriginal Advisory Committee raises no objection to the proposed S96 Application (DA04/0162.02) for Dulguigan Quarry as long as the standard conditions of consent are imposed including:*

1. *Retention of highest point on the site.*
  2. *If any artefacts are identified on site standard protection measures will apply through notification to relevant authorities.*
-



3. *Protection of remaining vegetation into the future."*

**A6. DA16/0076 Kingscliff Beach Holiday Park - David O'Connell (Tweed Shire Council)**

*"That in relation to the Kingscliff Beach Holiday Park, the Aboriginal Advisory Committee recommends that:*

1. *Due to the updated Due Diligence Report findings indicating that the site has not been sand mined but quarried to a level of the dune, there is a requirement for Aboriginal site monitors be on site for the removal of existing services and roads, ground works prior to the installation of new services and footings at the Kingscliff Beach Holiday Park.*
2. *Recommendation 1 above be incorporated into the consent conditions for the Development Application."*

The Motion was **Carried**

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

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**45 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 10 March 2016**

**215**

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 10 March 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A1 ANZAC Day Service - Murwillumbah - Monday 25 April 2016**

*"That the proposed ANZAC Day Service and March on 25 April 2016 be supported, subject to:*

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

*name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*

5. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
6. *Adequate public liability insurance being held by the event organiser.*
7. *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.*
8. *Consultation with emergency services and any identified issues addressed."*

## **A2 Murwillumbah Foodie Fest Road Closure Applications 2016**

*"That the proposed Murwillumbah Foodie Fest on 27 May and 30 September 2016 be supported subject to:*

1. *NSW Police approval being obtained.*
2. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
3. *Community and affected business consultation addressing raised concerns.*
4. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
5. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
6. *Adequate public liability insurance being held by the event organiser.*
7. *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.*
8. *Consultation with emergency services and any identified issues addressed.*
9. *Arrangements made for private property access and egress affected by the event.*
10. *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](http://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.*
11. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein."*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**46 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 11 March 2016**

**216**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that the Minutes of the Floodplain Management Committee Meeting held Friday 11 March 2016 be received and noted.

The Motion was **Carried**

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

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**47 [SUB-ADC] Minutes of the Australia Day Committee Meeting held Wednesday 16 March 2016**

**217**

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that the Minutes of the Australia Day Committee Meeting held Wednesday 16 March 2016 be received and noted.

The Motion was **Carried**

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

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**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

**218**

**Cr P Youngblutt  
Cr W Polglase**

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

The Motion was **Carried**

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

The General Manager reported that the Confidential Committee had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

## **REPORTS THROUGH THE ACTING GENERAL MANAGER IN COMMITTEE**

### **REPORTS FROM THE ACTING GENERAL MANAGER IN COMMITTEE**

#### **C1 [A/GM-CM] Modern Grocer - Business Investment Policy**

#### **DECLARATION OF INTEREST**

**Cr G Bagnall** wishes to declared a pecuniary interest in Item C1. The nature of the interest being that he has a similar business. Cr Bagnall advised that he would leave the chambers and take no part in the discussion or voting on this item.

#### **REASON FOR CONFIDENTIALITY:**

##### **Local Government Act**

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

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

#### **C 6**

That Council:

1. Enters into an agreement with The Modern Grocer to defer water and sewer (s.64) developer charges resulting from DA15/0816 over a two year period.
2. Endorses all documentation under the Common Seal of Council.

The Motion was **Carried**

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

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**aC1 [PR-CM] Development Application DA14/0164 for a Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff**

**REASON FOR CONFIDENTIALITY:**

**Local Government Act**

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

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

**C 8**

That Council solicitors continue to negotiate consent orders or a s34 Agreement for Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1 to 41 in SP76023 Nos 1-41/27-37 Bells Boulevard, Kingscliff, subject to agreement being reached in relation to appropriate conditions of consent.

The Motion was **Carried**

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

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**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

**C2 [CNR-CM] Waste Collection Service Contract - EC2008-153**  
**Recommendation to Extend Term**

**REASON FOR CONFIDENTIALITY:**

**Local Government Act**

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

- (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.

**C 9**

That Council:

1. Endorses the extension the contract for waste collection services, EC2008-153, until 30 June 2017.
2. Delegates authority to the General Manager to finalise and sign off on the extension.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**REPORTS FROM THE ACTING DIRECTOR ENGINEERING IN COMMITTEE**

**C3 [E-CM] Council Purchase of Lot 12 DP 1072659 - Pottsville Road, Pottsville**

**REASON FOR CONFIDENTIALITY:**

The reason for confidentiality is that Council is dealing with outstanding rates and discussions around property transfer.

**Local Government Act**

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

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

**C 10**

That:

1. Council accepts the transfer of Lot 12 in DP1072659 at minimal cost to both Council and the applicant with nil compensation payable by Council to the landowner.
2. All documentation be executed under the Common Seal of Council.
3. ATTACHMENTS 1 to 5 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

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219

**Cr P Youngblutt  
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 K Milne***

There being no further business the Meeting terminated at 7.32pm.



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

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**Chairman**

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