



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Minutes

Extraordinary Council Meeting Monday 9 May 2016

held at **Harvard Room, Tweed Administration Building,
Brett Street, Tweed Heads**
commencing at 8.30pm

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 8.33pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer) and Mr Neil Baldwin (Manager Corporate Governance).

ABORIGINAL STATEMENT

The Deputy 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 lead by the Deputy Mayor.

APOLOGIES

Note from 21 April 2016

Cr K Milne (Mayor) was granted a leave of absence up to 31 May 2016 in accordance with Section 234(1)(d) of the Local Government Act, 1993 at Council Meeting held Thursday 21 April 2016 at Minute No 160.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

ORDERS OF THE DAY

1 [NOR-EXT] aquaSplash

NOTICE OF RESCISSION:

222

Cr B Longland
Cr G Bagnall

RESOLVED that at the next Ordinary meeting of Council we will move that the resolution from the meeting held on Thursday 21 April 2016 at Minute No 172 Item No 11 titled {PR-CM] aquaSplash being:

" ... 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 Seascape, 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."*

be rescinded.

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

2 [NOM-EXT] aquaSplash

Following the outcome of the resolution of the Notice of Rescission this Motion was not required.

There being no further business the Meeting terminated at 8.41pm



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

xxx

Chairman

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