



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Minutes

Ordinary Council Meeting Thursday 15 June 2017

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,**
Tumbulgum Road, Murwillumbah commencing at 5.30pm

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 5.30pm.

IN ATTENDANCE

Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

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

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer lead by the General Manager.

CONFIRMATION OF MINUTES

1 **[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 18 May 2017**

243

Cr P Allsop
Cr R Byrnes

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 18 May 2017 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 1 June 2017

244

**Cr P Allsop
Cr J Owen**

RESOLVED that the Minutes of the Ordinary Council Meetings held Thursday 1 June 2017 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**

3 [CONMIN-EXT] Confirmation of the Minutes of the Extraordinary Ordinary and Confidential Meetings held Monday 5 June 2017

245

**Cr R Byrnes
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Extraordinary Ordinary and Confidential Council Meetings held Monday 5 June 2017 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**

APOLOGIES

Attendee Cr K Milne has informed the General Manager that her absence is caused by her being out of the Shire at this time.

246

Cr C Cherry
Cr P Allsop

RESOLVED that the apology of Cr K Milne be accepted and the necessary leave of absence be granted.

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.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions as at 15 June 2017

The Schedule of Outstanding Resolutions as at 15 June 2017 was received and noted.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for May 2017

247

Cr C Cherry

RESOLVED that the Mayoral Minute for the month of May 2017 be received and noted with the following amendments.

- Cr Cooper did not attend the Coastal Conference; and
- Cr Owen attended - Future Cities Workshop held in Sydney on 22 May 2017 and the Floodplain Management Conference held in Newcastle on 16-19 May 2017.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions as at 15 June 2017

There were no petitions received.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] RFO2016195 and RFO2016197 Murwillumbah and
Chinderah/Kingscliff Art Projects

ALTERNATE MOTION

248

Cr W Polglase
Cr P Allsop

RESOLVED that Council:

1. With reference to RFO2016197, endorses the Chinderah/Kingscliff art project proposal submitted by Passages Collective (ABN 79 163 457 062) in partnership with Strongsoutherly in an amount of \$25,000 for installation, and 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.
2. With reference to RFO2016196, Murwillumbah Art Project, in accordance with Clause 178(b) of the Local Government (General) Regulation 2005 declines all Requests for Offer due to them not being able to meet budgetary requirements.
3. Approves an increase of budget allocation for insurance and maintenance of Council Public Artworks by \$2,500 per annum as part of the next quarterly budget review.
4. Approves the transfer of \$5,000 of the monies budgeted for this project to be used for immediate cleaning and restoration works of the public mural on the Murwillumbah levee wall.

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr J Owen, Cr W Polglase, Cr P Allsop
AGAINST VOTE - Cr R Cooper
ABSENT. DID NOT VOTE - Cr K Milne

8 [GM-CM] Telecommunications Facilities on Council Owned Land

249

Cr W Polglase
Cr J Owen

PROPOSED that Council considers the revised draft Telecommunications Facilities on Council Owned Land Policies, as presented in this report, and determine to place one of them on public exhibition for a period of 28 days with submissions to be received for a period of 42 days.

AMENDMENT 1

250

Cr C Cherry
Cr R Cooper

RESOLVED that this item be deferred to 20 July 2017 Council meeting.

The Amendment 1 was **Carried** on the Casting Vote of the Deputy Mayor.

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr K Milne

Amendment 1 on becoming the Motion was **Carried** on the Casting Vote of the Deputy Mayor.

(Minute No 250 refers)

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr K Milne

9 [GM-CM] "Gallery DownTown" - Detailed Business Case

251

Cr J Owen
Cr P Allsop

RESOLVED that this matter be deferred for consideration at 20 July 2017 Council Meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr K Milne

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

10 [PR-CM] Kingscliff Locality Plan - Provision of Open Space and Public Benefit

ALTERNATE MOTION

252

Cr R Cooper

Cr R Byrnes

RESOLVED that:

1. Council receives and notes this report, specifically that:
 - a) In accordance with s94 CP 7 - West Kingscliff Contributions Plan, the continued strategy is to pursue additional sports fields over the West Kingscliff site.
 - b) With reduced and/or retention of existing building heights across the Draft Kingscliff Locality Plan (DKLP) study area and corresponding reduced development yield and residential density, other community public benefits including provision of a new library, town square, multi-storey car park and other public domain improvements will be more difficult to procure under s94 contributions framework and unlikely to be incentivised under voluntary planning agreements with no uplift or offset of floor area in development yield. This reduced level of service and public domain improvement should be transparently communicated through the DKLP process, Open Space Strategy and future community infrastructure network plan be noted.
 - c) A future Councillor workshop will be scheduled with the owners of the Kingscliff Shopping Village (KSV) site who will present concepts of staged vision and development aspirations over the KSV site be noted.
2. The preferred building height across the proposed Business and Knowledge Precinct within the Draft Kingscliff Locality Plan - B7 Business Park area be limited to a building height of 13.6m.
3. In acknowledgement of the wishes of 14,250 signatories of the Heights of Buildings in Kingscliff Petition and the 1,250 people who completed the Future of Kingscliff survey, both of which are available for perusal by the General Manager and councillors, moves

that Council or the officers of Council not negotiate with landholders or their representatives, any increase in heights of buildings on all land subject to the Draft Kingscliff Locality Plan - such heights as resolved in the resolution of 16 March 2017 - Kingscliff Locality Plan Consultation Options.

4. The General Manager ensures priority is given to harmonising the shire-wide LEP specifically as it relates to the Kingscliff DCP.
5. A further report be brought back on other possible options, including but not limited to amending planning controls, to achieve potential benefits outlined within the report.
6. Council notes section 55 of the Local Government Act 1993, and considers the following points:
 - How acquiring an asset directly from a developer can comply with section 55 of the Local Government Act 1993, which requires contestable bidding in almost all circumstances.
 - How fair price can be determined for a benefit received when there are no competing tenders. And the two parties are somehow sharing the financial benefit of a marginal increase in yield.
 - How necessary financial transparency can be achieved when much of the documentation will need to be confidential-in-confidence.
 - How development industry equity be maintained when selecting and dealing with just one particular developer.
 - How Council will manage subsequent “merit” determinations of development applications for similar adjoining uses of equal density once several relaxations are in place, and a dense “character” is already evident.
 - How to control and choose between proliferation of proposals for participation elsewhere once the principle is in place.
 - The long-term amenity benefit of introducing such a weakening policy that can potentially undermine Council’s statutory planning regime.

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

FOR VOTE: - Cr R Byrnes, Cr R Cooper, Cr C Cherry
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr K Milne

11 [PR-CM] Draft Compliance Policy

ALTERNATE MOTION

253

Cr C Cherry
Cr R Byrnes

RESOLVED that:

1. The Draft Compliance Policy Version 1.0 be amended as follows:

(Page 9 – Confidentiality) – Replace the first paragraph with -

"Council will maintain strict confidentiality where possible of the identity of those who report unlawful activity in recognition of the sensitivities that may arise in community relations, but people who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:"

(Page 14 - Part 13 – Options for dealing with Confirmed cases of Unlawful Activity) – Replace first sentence of the first paragraph with-

"Council will try to use the most efficient and effective option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options."

(Page 15 – Level of Risk Table)

Add a new bullet point to the “enforcement options & outcomes” in “high risk”:

- *Commence legal investigation and intervention, if required.*

(Part 17 – Role of Councillors in Enforcement) – Replace final paragraph with –

"Any matters involving litigation where Council is considering a prosecution and/or remedy orders will be reported to Council for endorsement prior to the action being instigated.

A report will be presented to Council at the end of each quarter on the current compliance matters."

2. The Draft Compliance Policy Version 1.0 as amended be placed on public exhibition for 28 days, seeking submissions for 42 days, and a further report be submitted to Council following this period, including any submissions received.

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr J Owen

AGAINST VOTE - Cr W Polglase, Cr P Allsop

ABSENT. DID NOT VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

- 12 [CNR-CM] RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre

Cr P Allsop
Cr J Owen

RESOLVED that:

1. Council cancels the current procurement process for the management of the Stotts Creek Resource Recovery Centre, being RFO2016129.
2. Council undertakes a new procurement process for the management of the Stotts Creek Resource Recovery Centre with an amended specification that makes specific provision to deal with the likelihood of legislative change
3. Council receives a further report for Council's consideration on the subsequent procurement process.
4. Council negotiates an extension of the current contract term, until such time as necessary to put a new arrangement in place, for a maximum of six months to 31 December 2017 to allow the procurement process to occur.
5. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

13 [CNR-CM] Draft Commercial Recreation Use of Public Open Space Policy

255

Cr C Cherry
Cr P Allsop

RESOLVED that Council receives and notes the report on the Draft Commercial Recreation Use of Public Open Space.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

14 [CNR-CM] Grant Acceptance: Boating Infrastructure Emergency Repair Pool

256

**Cr R Byrnes
Cr P Allsop**

RESOLVED that Council:

1. Accepts the offer of \$54,600 (excluding GST) from the Roads and Maritime Services' Boating Infrastructure Emergency Repair Pool and votes the income and expenditure in the next Quarterly Budget Review.
2. Proceeds with the works identified in the grant applications.
3. Undertakes a review of Council's existing waterways asset portfolio with respect to existing and recommended insurances.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne***

15 [CNR-CM] Access and Inclusion Plan 2014-2018 NSW Disability Inclusion Action Planning Adjustment and Progress Updates

257

**Cr J Owen
Cr R Cooper**

RESOLVED that Council receives and notes the adjustments to the Tweed Access and Inclusion Plan 2014-2018, supporting documentation and progress update for 2015-2016 implementation year for submission to the NSW Disability Council by 30 June 2017.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne***

16 [CNR-CM] Cultural Plan

258

Cr C Cherry

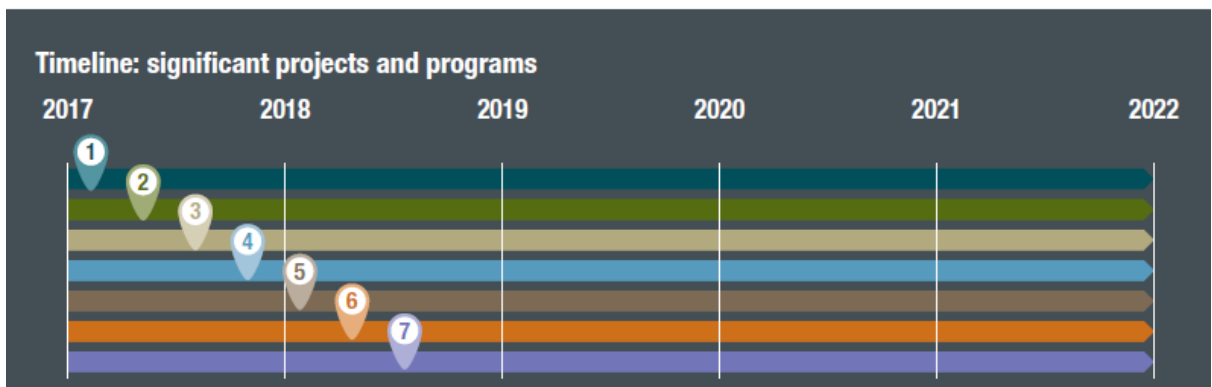
Cr R Byrnes

RESOLVED that Council endorses:

1. The Cultural Plan (with amendment to page 13 as follows) to be placed on public exhibition for a period of 28 days allowing 42 days for submissions.

Significant projects and programs

- 1 Northern Rivers Rail Trail (Murwillumbah to Crabbes Creek).
- 2 School holiday programs in cultural facilities.
- 3 Gallery education programs and resources developed for school groups and family engagement.
- 4 Implementation of:
 - Markets Policy
 - Events Strategy
 - Tweed Shire Council's Draft Access and Inclusion Plan
 - Draft Rural Villages Strategy.
- 5 Draft Open Space Strategy.
- 6 Draft Scenic Landscape Strategy.
- 7 Develop and implement Draft Playground Action Plan.



2. The removal of the wording "*It is not an artefact to be discovered*" from the first paragraph of the Mayoral Message on page 1 of the Plan.
3. The rollover of the balance of the Cultural Development planning funds A2247 at 30 June 2017 into the 2017/18 budget for implementation of the Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr K Milne

REPORTS FROM THE DIRECTOR ENGINEERING

17 [E-CM] March 2017 Flood

259

Cr J Owen
Cr R Cooper

RESOLVED that Council receives and notes this report on the March 2017 Flood.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

PROCEDURAL MOTIONS

260

Cr C Cherry
Cr P Allsop

RESOLVED that Items 18 to 26 be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

261

Cr W Polglase
Cr P Allsop

RESOLVED that Items 18 to 26 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

18 [E-CM] Annual Indexation of Infrastructure Contribution Rates

262

Cr W Polglase
Cr P Allsop

RESOLVED that Council notes the indexation of S94 contribution rates as detailed in this report and in accordance with:

- the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000;
- the ABS Implicit Price Deflator (IPD) index as adopted in each S94 Plan;
- the Tweed Shire Council Land Cost index for March 2017 as published in the 2017/2018 Revenue Policy and Statement and adopted in each S94 Plan; and
- the clause entitled "Adjustment of Contribution Rates" as adopted in each S94 Plan.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

19 [E-CM] Section 64 Developer Charges for Land (previously aggregated to minimise rates)

263

Cr W Polglase
Cr P Allsop

RESOLVED that Council places on public exhibition the draft Section 64 Developer Charges for Disaggregated Lots Policy and advertises the draft policy for 28 days allowing 42 days for submissions.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

20 [E-CM] Classification of Land - 28 Jacana Lane, Doon Doon

264

Cr W Polglase
Cr P Allsop

RESOLVED that Council, in accordance with Section 25 of the *Local Government Act 1993*, classifies Lot 2 DP 716151 being 28 Jacana Lane, Doon Doon as "Operational" land.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

21 [E-CM] Road Closure - Walmsleys Road, Bilambil Heights

265

Cr W Polglase
Cr P Allsop

RESOLVED that Council approves all necessary documentation relating to the closure of the section of Walmsleys Road at Bilambil Heights, known as Lot 1 DP 1189989 be executed under Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

22 [E-CM] Tumbulgum Road - Telstra Relocation Works

266

Cr W Polglase
Cr P Allsop

RESOLVED that in respect to Contract Service Relocation Tumbulgum Road:

1. The offer from Telstra Corporation Ltd ABN 33 051 775 556 be accepted by Council to the value of \$213,566.78 (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 they contain:-
 - (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

23 [E-CM] RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils

267

**Cr W Polglase
Cr P Allsop**

RESOLVED that, in respect to Contract RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils:

1. Council accepts the Offer Evaluation Scoresheets for the Tweed Shire Council panel of providers for the period of 1 July 2017 to 30 June 2019 as listed in the Confidential Attachment to this report.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council mid Contract and finalisation of the contract.
3. ATTACHMENTS 1, 2 and 3 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**

24 [E-CM] RFO2017045 Provision of Goods and Materials Annual Supply and Delivery of Pressure Pipes, Various Water Service Fittings and Valves

268

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council, in respect to Contract RFO2017045 Provision of Goods and Materials Annual Supply and Delivery of Pressure Pipes, Various Water Service Fittings and Valves, accepts all suppliers as listed for the period 1 July 2017 until 30 June 2019 with purchase decisions to be made following reference to submitted catalogue rates and additional charges that may apply.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne**

25 [E-CM] RFO2017046 Registration of Interest for Small Plant Hire

269

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council, in respect to Contract RFO201746 Registration of interest for Small Plant Hire, accepts all suppliers as listed for the period 1 July 2017 until 30 June 2019, with a possible two by twelve month extensions, with hire decisions to be made following reference to submitted catalogue rates and additional charges that may apply.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne**

26 [E-CM] RFO2017028 2016-2017 Asphalt Rejuvenation Program

270

**Cr W Polglase
Cr P Allsop**

RESOLVED that in respect to Contract RFO2017028 2016-2017 Asphalt Rejuvenation Program:

1. Council awards the contract to BMR Quarries Pty Ltd trading as Roadwork Industries ABN 98 112 732 797 for the amount of \$185,827.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne**

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.00pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.50pm

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

27 [CS-CM] Integrated Planning and Reporting Framework - 2017/2021 Delivery Program and 2017/2018 Operational Plan

271

**Cr W Polglase
Cr P Allsop**

PROPOSED that Council adopts the following plans, as exhibited and amended:

- Delivery Program 2017/2021;
- Operational Plan 2017/2018;
- Resourcing Strategy 2017 supporting the 2017-2027 Community Strategic Plan
- Revenue Policy and Statement 2017/2018;
- Budget 2017/2018; and
- Fees and Charges 2017/2018.

AMENDMENT 1

272

**Cr C Cherry
Cr R Cooper**

RESOLVED that:

1. Council adopts the following plans, as exhibited and amended:
 - Delivery Program 2017/2021;
 - Operational Plan 2017/2018;
 - Resourcing Strategy 2017 supporting the 2017-2027 Community Strategic Plan
 - Revenue Policy and Statement 2017/2018;
 - Budget 2017/2018; and
 - Fees and Charges 2017/2018.

with the understanding that population figures will be updated using the 2016 census data in the Draft Delivery Program.

2. The following change will be included in Draft Delivery Program item 3.2.7 Parks and Gardens be amended as:

3.2.7 Parks and Gardens

- ...
2. *Development and implementation of a Playground Action Plan (to commence in 2018/2019 year)*

to read:

3.2.7 Parks and Gardens

- ...
2 *Development of a shire wide Youth Facility / Skate Park Action Plan (to commence in 2017/2018 year)*

3. The General Manager brings back a report prior to the September Quarterly Budget Review on measures that could fund the following:

- A4690 Western Drainage Scheme Maintenance p8 increase from \$109,000/year to \$159,000/year;
- A0304 Community Engagement p12 increase from \$30,000/year to \$60,000/year;
- A2271 Public Art Maintenance p15 increase from \$7,000/year to \$32,000/year; and
- Renewable Energy Action Plan implementation \$195,000/year.

Amendment 1 was Carried

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr P Allsop

AGAINST VOTE - Cr J Owen, Cr W Polglase

ABSENT. DID NOT VOTE - Cr K Milne

Amendment 1 on becoming the Motion was Carried - (Minute No 272 refers)

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr P Allsop

AGAINST VOTE - Cr J Owen, Cr W Polglase

ABSENT. DID NOT VOTE - Cr K Milne

28 [CS-CM] Legal Services Register for the Period 1 January to 31 March 2017

273

Cr C Cherry

Cr P Allsop

RESOLVED that Council receives and notes the Legal Services Register report for the period 1 January to 31 March 2017.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

29 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2017

274

Cr R Byrnes
Cr P Allsop

RESOLVED that the Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

30 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 May 2017

This item was dealt with in conjunction with Item a30 of this Agenda. (Minute No 276 refers).

LATE ITEM

275

Cr C Cherry
Cr P Allsop

RESOLVED that Items a30 and b30 being Addendum items 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

a30 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 May 2017

276

Cr P Allsop
Cr R Byrnes

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 May 2017 totalling \$279,549,031 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

b30 **[CS-CM] Local Government Performance Audits**

277

Cr P Allsop
Cr R Byrnes

RESOLVED that Council receives and notes the Auditor-General's letter advising Council of the initial local government performance audits to be performed in the 2017-18 financial year.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

ORDERS OF THE DAY

31 **[NOM] Draft 2017/2018 Delivery Program - Recreation Services Priorities**

This Motion was dealt with in conjunction with Item 27 of this Agenda. (Minute No 272 refers).

32 [NOM] Supporting Artists and Activating our Towns

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

33 [NOM] Orders of the Day

278

**Cr C Cherry
Cr R Byrnes**

RESOLVED that Council amends the Code of Meeting Practice to bring forward the Orders of the Day to prior to the Reports through the General Manager.

The Motion was **Carried**

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

34 [NOM] Housing Affordability and Inclusionary Zoning

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

35 [NOM] Insurance Claim Problems for Residents and Businesses Post Flood

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

36 [NOM] Rebuilding for Flood Resilience

In accordance with Part 5.3(b) of Council's Code of Meeting Practice this item was deferred by the Deputy Mayor for consideration at 20 July 2017 Council Meeting.

37 [NOM] Short Term Holiday Letting

279

**Cr C Cherry
Cr R Byrnes**

RESOLVED that Council provides a report on the:

1. Impact current and predicted levels of short term holiday letting on available housing in Tweed Shire.
2. Implications of potentially allowing licensed short term holiday letting to occur in tourist and rural zones only, and the issues involved in requiring licenses for all short term holiday letting.

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

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr K Milne**

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

PROCEDURAL MOTIONS

280

**Cr J Owen
Cr R Byrnes**

RESOLVED that Items 38 to 42 be considered in block.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne**

281

Cr J Owen
Cr P Allsop

RESOLVED that Items 38 to 42 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

38 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 28 April 2017

282

Cr J Owen
Cr P Allsop

RESOLVED that:

1. The Minutes of the Floodplain Management Committee Meeting held Friday 28 April 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

2. Debrief and Discussion on March 2017 Flood - Recommendation 1:

That Council installs/updates flood markers around impacted townships to record the March 2017 flood height. Options include updated flood signage and markers on power poles.

2. Debrief and Discussion on March 2017 Flood - Recommendation 2:

That Council notes and supports the applications made to the Office of Environment and Heritage for the 2017-18 round of Floodplain Management Grants for:

1. Voluntary House Purchase in South Murwillumbah and Bray Park.
2. Voluntary House Purchase in Burringbar, Mooball and Crabbes Creek.
3. Voluntary House Raising in South Murwillumbah and Bray Park.
4. Voluntary House Raising in Burringbar and Mooball.
5. Flood Warning System to upgrade Tumbulgum Gauge for forecasting by the Bureau of Meteorology.
6. Flood Warning System to install additional river and rainfall gauges upstream of Burringbar and Crabbes Creek.
7. Flood study for South Murwillumbah basin to identify obstructions to flow, examine levee overtopping, and recommend floodway improvements.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

39 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 3 May 2017

283

Cr J Owen
Cr P Allsop

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 3 May 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

40 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 4 May 2017

284

Cr J Owen
Cr P Allsop

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 4 May 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

41 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held 5 May 2017

285

Cr J Owen
Cr P Allsop

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held 5 May 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A4. DA17/0102 40 Creek Street, Hastings Point

That, in relation to DA07/0102 Lot 156 DP 628026 40 Creek Street, Hastings Point, the:

1. Aboriginal Advisory Committee requests Council to advise the Applicant that an updated Aboriginal Cultural Heritage Assessment is required.
2. Aboriginal Cultural Heritage Assessment needs to align with the current proposal and the current legislative requirements in regards to consultation with the Aboriginal community.
3. Updated Cultural Heritage Assessment should include a site survey with a cultural heritage consultant and consultation with the same registered parties as reflected in the 2010 Cultural Heritage Assessment prepared by Everick.

GB1. NAIDOC Week 2017

That Council:

1. *Releases annual funding to the Tweed NAIDOC Committee via the auspicing organisation of \$2500 adjusted by CPI for NAIDOC Week celebrations 2017.*
2. *Releases annual funding to the Tweed NAIDOC Committee via the auspicing organisation of \$450 previously contributed to the Koori Kids initiative, which is not supported by the Aboriginal Advisory Committee.*
3. *Contribution of \$450 be used for the purchase of children's promotional material for distribution at NAIDOC Week celebrations 2017.*

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

42 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 18 May 2017

286

Cr J Owen
Cr P Allsop

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 18 May 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1. [LTC] Ducat Street and Meridian Way, Tweed Heads

That a "Do Not Queue across Intersection" sign (g9-237) on Ducat Street at the intersection of Meridian Way, Tweed Heads be installed.

A2. [LTC] Queen Street and Healy Lane, Fingal Head

That a yellow "No Stopping" edge line is not supported due to signage or prohibitive parking generally not being installed in residential areas and that the affected home owner be advised to install suitable signage on their property advising motorists not to obstruct their access.

A3. [LTC] Boundary Street and Tweed Terrace, Tweed Heads

That a yellow 'No Stopping' line be placed on:

1. *The north side of Boundary Street (westbound) opposite Carlin Family Park.*
2. *Tweed Terrace 10m from Boundary Street to the driveway at 2 Boundary Street.*

A4. [LTC] Marine Parade, Kingscliff - Long Table Dinner Event Saturday 14 October 2017

That the temporary road closure of Marine Parade Kingscliff between Turnock and Seaview Streets, Kingscliff on Saturday 14 October 2017 associated with the conduct of the Long Table Dinner Event (5.30 to 11.30pm) be supported, subject to support from affected businesses, Kingscliff Business Corporation and the following conditions:

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 and a report submitted to Council at least 2 weeks before conduct of the event.*
3. *The event organiser notifies Tweed Shire 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.*
11. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

A5. [LTC-LATE] Wharf Street, Tweed Heads - NAIDOC Street March

That there is no objection to the conduct of the NAIDOC Street March on Friday 7 July 2017, subject to Police control and approval of the event.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

Cr W Polglase temporarily left the meeting at 08:33 PM.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

287

Cr J Owen
Cr P Allsop

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, Cr W Polglase

CONFIDENTIAL ITEMS FOR CONSIDERATION

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

Cr W PolglZse returned to the meeting at 8.35PM/

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Approvals to Operate Markets - SALT, Tweed Heads and Murwillumbah

REASON FOR CONFIDENTIALITY:

This report includes details of individual private submissions submitted to Council in the Expression of Interest process.

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 54

That Council delegates to the General Manager to issue a Local Government Act 1993, Section 68 approval to operate a market expiring on 30 June 2020 to:

1. Aria Events for SALT Central Park, subject to submission of a modified market management plan.
2. Curl Creative for Knox Park Murwillumbah, subject to submission of a modified market management plan.
3. Tweed Heads Community Men's Shed Inc. for a Sunday market at Recreation Street Reserve, Tweed Heads, subject to submission of a modified market management plan.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

C 55

That Council recognises the strong submission of Aggressive Salmon and that the General Manager liaise directly with them to identify a suitable site noting that this may be subject to development application requirements and that a further report be brought back to Council in this regard.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

aC1 [PR-CM] Class 1 Appeal Development Application DA10/0737 for Alterations to Existing Highway Service Centre at Lot 1 DP 1127741 & Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah

C 57

That Council, in respect of the current Class 1 Appeal in the Land and Environment Court relating to DA10/0737 at Lot 1 DP 1127741 & Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah, provides delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager to provide without prejudice further information about potential offset sites, namely Cudgen Nature Reserve, to the Applicant's solicitors through Council's solicitors.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] RFO2016128 Tender for Transport and Disposal of Waste from the Stotts Creek Resource Recovery Centre

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 58

That:

1. In relation to RFO2016128 Tender for Transport and Disposal of Waste from the Stotts Creek Resource Recovery Centre:
 - a) Council confirms that the tenderers are prepared to hold the prices as submitted in their original offers.
 - b) An evaluation of the tender submissions be finalised and a report be put to Council for its consideration recommending the adoption of a contract that represents best value to Council for the transport, processing and disposal of waste.
2. Endorses a further extension of Contract Number EC2012291 with Veolia Environmental Services for the transport and disposal of construction and demolition and/or mixed putrescible waste for a period of three months until 30 September 2017 to allow finalisation of the assessment of RFO2016128.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr K Milne

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Clarrie Hall Dam - Land Acquisition - 127 Commissioners Creek Road, Doon Doon

REASON FOR CONFIDENTIALITY:

This report discusses commercial discussions and private financial arrangements which should not be disclosed to the public in order to protect the privacy of the affected individuals.

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 59

That:

1. Council approves entering into a contract for the purchase of 127 Commissioners Creek Road, Doon Doon comprised in Lot 2 in DP 261582 for the amount agreed and determined by valuation.
2. Council approves entering into a Deed of Payment with the affected landowners of the property in relation to the setting out of the payment of disturbance and solatium as a consequence of the purchase.
3. Council executes all necessary documentation under the Common Seal of Council.
4. 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.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr K Milne

C4 [E-CM] The Anchorage

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 60

That:

1. Council approves the assignment of Lease T766478 over Lot 268 in DP 865924 with Lend Lease (The Anchorage) Pty Limited formerly Lend Lease Residential Pty Ltd to Dennis Edwards.
 2. Council approves entering into a Works Deed with Lend Lease (The Anchorage) Pty Ltd and Dennis Edwards.
 3. Council executes all documentation under the Common Seal of Council.
-

4. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
- (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

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C5 [CS-CM] AC2013-059 Print and Delivery Preparation of the Tweed Link

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 61

That:

1. In relation to AC2013-059 Printing of Tweed Link awarded to Summit Press, Council delegates the General Manager to negotiate a Contract extension to 25 October 2017 (an additional 16 editions of the Tweed Link) for an estimated amount of \$70,000 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr K Milne

288

Cr P Allsop
Cr W Polglase

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 9.28PM.

✍

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

Chairman

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