



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 16 June 2016

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,**
Tumbulgum Road, Murwillumbah commencing at 5.00pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 5.00pm.

IN ATTENDANCE

Cr 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), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Michael Chorlton (Manager Financial Services), Mr Neil Baldwin (Manager Corporate Governance), Ms Fran Silk (Journalist) 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 Deputy Mayor, Cr G Bagnall.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 19 May 2016

272

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 May 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 2 June 2016

273

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 2 June 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***

APOLOGIES

Note from 19 May 2016

Cr K Milne (Mayor) was granted an extension to her leave of absence up to 27 June 2016 in accordance with Section 234(1)(d) of the Local Government Act, 1993 at Council Meeting held Thursday 19 May 2016 at Minute No 226.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolutions as at 16 June 2016 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for May 2016

274

Cr G Bagnall

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

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

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

There were no Petitions received for consideration.

REPORTS THROUGH THE GENERAL MANAGER

LATE ITEMS

275

Cr G Bagnall

Cr B Longland

RESOLVED that Items a28 and a34 being Addendum Items be dealt with and they were ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Draft Business Investment Policy Version 2.0

276

Cr W Polglase

Cr P Youngblutt

RESOLVED that Council places the Draft Business Incentive Policy Version 2.0 on public exhibition for a period of 28 days and accepts public submissions for a period of 42 days, as per Section 160 of the Local Government Act 1993.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

7 [PR-CM] Community Markets

277

Cr W Polglase
Cr P Youngblutt

RESOLVED that subject to endorsement by the relevant Reserves Trusts, Council approves the following:

1. Extends the current community market operating approvals for the community market sites of Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) and Murwillumbah (Knox Park - noting that Knox Park approval has been relinquished); for a period of 9 months from 1 July 2016 to 31 March 2017 to provide sufficient time for:
 - (a) the completion of the relevant development application and modification and determination processes for each site; and
 - (b) the completion of a subsequent expressions of interest process to establish a new three year operating approval for these markets between July 2017 and June 2020.
2. Immediately proceed with the expression of interest process to establish new operating approvals for the community market sites with existing development consents being Jack Evans Boat Harbour and Salt Central.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

8 [CNR-CM] 2015/2016 Surf Lifeguard Season Report

278

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council receives and notes the Australian Lifeguard Service Season Report 2015/2016.

The Motion was **Carried**

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

9 [CNR-CM] Composition of Community Halls Advisory Committee

279

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council endorses the following appointments to the Community Halls Advisory Committee:

Community Hall Management Committee	Nominated Delegate
Tumbulgum Community Association	Jennifer Lesley Kidd Bruce Cloherty (First Alternate Delegate)

The Motion was **Carried**

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

10 [CNR-CM] Reserve Creek Hall

280

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Approves the reclassification of Lot 1 DP 319447 (Reserve Creek Hall) from "Community" to "Operational" land under Section 32 of the Local Government Act 1993.
2. Gives public notice of the intention to reclassify the land in accordance with Section 34 of the Local Government Act 1993, providing a period of 28 days during which submissions may be made.

The Motion was **Carried**

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

11 [CNR-CM] Cultural Plan Update

281

Cr P Youngblutt
Cr P Youngblutt

RESOLVED that Council receives and notes this progress report on the Cultural Plan update.

The Motion was **Carried**

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

12 [CNR-CM] Financial outcomes of Tweed Regional Gallery hosting Archibald Prize 2015 Regional Tour exhibition

282

Cr P Youngblutt
Cr B Longland

RESOLVED that the profits earned by the Tweed Regional Gallery's hosting of the Archibald Prize 2015 Regional Tour exhibition totalling \$112,602.00 be held in the Gallery's program budget for expenditure on currently unfunded future Gallery initiatives.

The Motion was **Carried**

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

13 [CNR-CM] Progress Report on Richmond Tweed Regional Library Review and 2016/2017 Budget

283

Cr B Longland
Cr G Bagnall

RESOLVED that Council:

1. Receives and notes the progress report on the review of the Richmond Tweed Regional Library (RTRL) agreements.
2. Approves the Richmond Tweed Regional Library 2016/17 budget and fees and charges, and notes the proposed adjustment to the RTRL 2016/17 contribution.

The Motion was **Carried**

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

14 [CNR-CM] Relocation of South Sea Islander Room

284

Cr P Youngblutt
Cr B Longland

RESOLVED that Council approves the:

1. Transfer of the application of the Fees and Charges for the South Sea Islander Room in the Tweed Cultural Centre to the new room allocated on the ground floor of the Tweed Administration Centre to commence from 1 July 2016, and
2. Continuation of the rebate of Fees and Charges for the Tweed Australian South Sea Islander Community Inc. under a licence agreement for use of the South Sea Islander Room for display of their heritage collection, and 12 monthly meetings and up to three cultural events per year.

The Motion was **Carried**

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

15 [CNR-CM] Youth Strategy and Action Plan - Progress Report 2

285

Cr P Youngblutt
Cr B Longland

RESOLVED that Council receives and notes the Youth Strategy and Action Plan progress report.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

16 [CNR-CM] Frangela Reserve Flying Fox camp management

286

Cr B Longland

Cr W Polglase

RESOLVED that Council implements the following immediate management actions for the Frangela Drive Reserve, subject to flying foxes seasonally vacating the camp:

1. Applies to the NSW Office of Environment and Heritage for a Section 91 licence under the *Threatened Species Conservation Act 1995*.
2. Undertakes vegetation management actions including:
 - (a) Removal of Camphor Laurels in identified zone extending north from the current camp location; and
 - (b) Trim and/or remove Camphor Laurels in identified vegetation management zone to create a buffer between the camp and adjacent houses.
3. Briefs the local community committee on the status of current and proposed actions.
4. Receives a future report to address the outstanding Shirewide aspects of the resolution made in April 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

17 [CNR-CM] NSW Environmental Trust Grant - 'Rous River Riparian Restoration Project'

287

Cr B Longland

Cr G Bagnall

RESOLVED that Council:

1. Accepts the grant offer of \$100,000 from the NSW Government's Environmental Trust for the *Rous River Riparian Restoration Project 2015/SL/0060* and votes the expenditure.
2. Allocates \$101,500 from the Waterways Program budget to implement the project over the next three years.

The Motion was **Carried**

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

18 [CNR-CM] Review of Environmental Protection Zones

288

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council receives and notes the report regarding the Review of Environmental Protection Zones, which outlines the process and staging to review the LEP environmental zones and associated provisions, in accordance with Council's resolution of 31 May 2013.

The Motion was **Carried**

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

19 [CNR-CM] Sustainable Agriculture Strategy

289

Cr B Longland
Cr P Youngblutt

RESOLVED that:

1. Council adopts the Tweed Sustainable Agriculture Strategy.
 2. The actions within the adopted Strategy be referred to the relevant areas of responsibility within Council to be programed for implementation.
 3. Director Community and Natural Resources provides an annual update on the implementation of the adopted Strategy.
-

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR ENGINEERING

PROCEDURAL MOTIONS

290

**Cr W Polglase
Cr C Byrne**

RESOLVED that Items 20 to 29, with the exception of Item 27, be considered in block.

The Motion was **Carried**

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

291

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Items 20 to 29, with the exception of Item 27, be moved in block.

The Motion was **Carried**

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

20 [E-CM] RFO2016067 Sprayed Bituminous Surfacing

292

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that in respect to Contract RFO20165067 Sprayed Bituminous Surfacing:

1. Council awards the contract to NSW Spray Seal Pty Ltd (ABN 68 133 151 078) at the Offered rates for the proposed contract term.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and 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

21 [E-CM] RFO2016053 Supply of Bulk Hot and Cold Mix Asphalt

293

Cr W Polglase
Cr P Youngblutt

RESOLVED that in respect to Contract RFO2016053 Supply of Bulk Hot and Cold Mix Asphalt:

1. Council awards the contract to Fulton Hogan Industries Pty Ltd (ABN 54 000 538 689), accepting the rates and rise and fall methodology Offered.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid-contract and 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

22 [E-CM] RFO2016056 Pavement Linemarking Services

294

Cr W Polglase
Cr P Youngblutt

RESOLVED that in respect to Contract RFO2016056 Pavement Linemarking Services:

1. Council awards the contract to Allstate Linemarking Services ABN 98 109 627 652 (accepting the Conforming Offer) as per the (final revised) Schedule of Rates.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and 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

23 [E-CM] RFO2016010 Supply and Delivery and Supply and Lay of Turf

295

Cr W Polglase

Cr P Youngblutt

RESOLVED that in respect to Contract RFO2016010 Supply and Delivery and Supply and Lay of Turf:

1. Council awards the contract to the Providers as tabled below:

Schedule	Provider	ABN
A Supply	Coastal Turf	20 001 824 326
B Supply and Lay	Allenvue Turf	14 117 739 009

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:-
 - (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] RFO2016009 Supply and Delivery of Selected Materials

296

Cr W Polglase
Cr P Youngblutt

RESOLVED that in respect to Contract RFO2016009 Supply and Delivery of Selected Materials:

1. Council awards the contract to the Providers as tabled below.

Item	Provider	ABN
Concrete Pipes CL2 Rubber Ring Joints	Rocla Pty Ltd	31 000 032 191
Concrete Pipes CL2 Rubber Ring Joints	Rocla Pty Ltd	31 000 032 191
Concrete Covers and Surrounds	Rocla Pty Ltd	31 000 032 191
Concrete Kerb Inlets	Rocla Pty Ltd	31 000 032 191
Concrete Headwalls	Rocla Pty Ltd	31 000 032 191
Group M Herbicide Glyphosate based, Waterways safe	Greenway Turf Solutions	49 600 618 657
Premix Cement	J. Blackwood & Son Pty Limited (Blackwoods)	43 000 010 300
Bagged Cement	Williams Group Australia	28 128 744 990
Reinforcing Mesh	Williams Group Australia	28 128 744 990
100mm Dia. Slotted Agriculture Pipe and 100mm Dia. Slotted Agriculture Pipe Socked	Williams Group Australia	28 128 744 990
Geotextile Material	Geofabrics Australasia Pty Ltd	23 005 479 961
Electrode 12P	Williams Group Australia	28 128 744 990
Form Ply 2.4 x 1.2	Wychitella Holdings Pty Ltd	23 066 860 973
Woven Silt Film/Silt Stop	J. Blackwood & Son Pty Limited (Blackwoods)	43 000 010 300
Footpath Jointing Material	J. Blackwood & Son Pty Limited (Blackwoods)	43 000 010 300
Star Picket: 1.67m Bitumen Coated	Williams Group Australia	28 128 744 990

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

25 [E-CM] RFO2016044 Supply of Traffic Modelling Services, Review of Tweed Road Development Strategy

297

Cr W Polglase
Cr P Youngblutt

RESOLVED that in respect to Contract RFO2016044 Supply of Traffic Modelling Services, Review of Tweed Road Development Strategy:

1. Council awards the contract to Bitzios Consulting Pty Ltd (ABN 46 029 951 547) for the amount of \$148,370 (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:-
 - (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

26 [E-CM] RFO2016065 Supply of Ready-Mixed Concrete

298

Cr W Polglase
Cr P Youngblutt

RESOLVED that in respect to Contract RFO2016065 Supply of Ready-Mixed Concrete:

1. Council awards the contract for all three Areas of Service to NUCON Pty Ltd (ABN 32 076 781 014), accepting NUCON's Alternative Offer pricing methodology; and that Council also appoints Boral Construction Materials Group Limited (ABN 46 009 671 809) as the secondary Provider for Area 1 at the Offered rates, and Brims Concrete

Pty Ltd (ABN 22 110 273 679) as the secondary Provider for Areas 2 and 3 at the Offered rates.

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:-
 - (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

27 [E-CM] RFO2016066 Supply of Water Treatment Chemicals

299

Cr W Polglase
Cr C Byrne

RESOLVED that in respect to Contract RFO2016066 Supply of Water Treatment Chemicals:

1. Council awards the contract Schedules as follows for the Offered amounts for a two-year period commencing on 1 July 2016:

Schedule/Chemical	Award to Bidder	Bidder's ABN
A - Aluminium Chlorohydrate	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022
B - Aluminium Sulphate	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022
C - Chlorine Gas	Ixom Operations Pty Ltd	51 600 546 512
D - Citric Acid Solution	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022
E - Hydrated Lime	Sibelco Australia Limited	20 000 971 844
F - Hydrofluosilicic Acid	Not Awarded. Decline all Offers and re-advertise Hydrofluosilicic Acid as a separate contract.	-
G - Sodium Bisulphite Solution	Chemprod Nominees Pty Ltd trading as Omega Chemicals	32 982 143 022
H - Magnesium Hydroxide Liquid	Ixom Operations Pty Ltd	51 600 546 512
I - Potassium Permanganate	Ixom Operations Pty Ltd	51 600 546 512

Schedule/Chemical	Award to Bidder	Bidder's ABN
L - Sodium Hydroxide	Ionics Australasia Pty Ltd T/as Elite Chemicals	54 009 985 326
M - Sodium Hypochlorite	Ionics Australasia Pty Ltd T/as Elite Chemicals	54 009 985 326

2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and 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:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

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

AGAINST VOTE - Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne

28 [E-CM] RFO2016075 Cudgen Creek Traffic Bridge Piling Works

This item was dealt with in conjunction with Addendum Item a28 (Minute No 300 refers).

a28 [E-CM] RFO2016075 Cudgen Creek Traffic Bridge Piling Works

300

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that in respect to Contract RFO2016075 Design and Construct Contract for Piling Works Cudgen Creek Bridge, Kingscliff:

1. Council awards the contract to Davbridge Properties Pty Ltd T/A Davbridge Constructions (ABN- 23 065 240 002; ACN 065 204 002) for the amount of \$1,024,034.20 (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. 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

29 [E-CM] Update on DCP-A5 Subdivision Manual Review

301

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council notes the delay in the update of Development Control Plan Section A5 - Subdivision Manual.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

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

302

Cr P Youngblutt
Cr B Longland

RESOLVED that Council:

1. Adopts the following plans, as exhibited and amended:
 - Delivery Program 2013/2017;
 - Operational Plan 2016/2017;
 - Revenue Policy and Statement 2016/2017;
 - Budget 2016/2017; and
 - Fees and Charges 2016/2017.

2. Advertises its intention to charge a new application fee of \$57.00 for Notice of Plumbing and Drainage Work - Stand-alone PDPs only.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

31 [CS-CM] Mayor and Councillors Annual Fees 2016/2017

303

Cr W Polglase

Cr P Youngblutt

RESOLVED that:

1. The fees payable for the Mayor and Councillors for the 2016/2017 financial period be the maximum fees payable to members of a Regional Rural category council as determined by the Local Government Remuneration Tribunal, being:

Mayor	\$41,090
Councillors	\$18,840

2. Councillors choosing not to accept an increase from the 2016/2017 fees payable can elect to return their additional amount to Council's general revenue account number A0007.3318 which has been established in Council's chart of accounts for this purpose.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

32 [CS-CM] Request for Legal assistance - Bathurst Regional Council

304

Cr C Byrne

Cr P Youngblutt

RESOLVED that Council contributes an amount of \$1,334.23 to Local Government NSW towards legal assistance costs incurred by Bathurst Regional Council.

The Motion was **Carried**

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

33 [CS-CM] In Kind and Real Donations - January to March 2016

305

Cr P Youngblutt
Cr W Polglase

RESOLVED that Council notes the total "in kind and real" donations of \$49,021.92 for the period January to March 2016.

The Motion was **Carried**

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

34 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 May 2016

This item was dealt with in conjunction with Addendum Item a34 (Minute No 306 refers).

a34 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 May 2016

306

Cr P Youngblutt
Cr W Polglase

RESOLVED that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at period ending 31 May 2016 totalling \$252,136,499 be received and noted.

The Motion was **Carried**

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

ORDERS OF THE DAY

Nil.

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

PROCEDURAL MOTIONS

307

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Items 35 to 37 be considered in block.

The Motion was **Carried**

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

308

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Items 35 to 37 be moved in block.

The Motion was **Carried**

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

35 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 11 April 2016

309

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 11 April 2016 be received and noted.

The Motion was **Carried**

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

36 [SUB-TRMAC] Minutes of the Museum Advisory Committee Meeting held Thursday 12 May 2016

310

Cr W Polglase
Cr P Youngblutt

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 12 May 2016 be received and noted.

The Motion was **Carried**

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

37 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 May 2016

311

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 May 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1. Arts Northern Rivers

1. *That Council writes to Arts Northern Rivers expressing its strong concerns about the Ngarakbal Githabul Dialect Exhibition 2016 project including:*
 - (a) *Incorrect use and omission of cultural names;*
 - (b) *Lack of appropriate consultation with Elders across the region especially the Tweed.*

2. *That Council extends an invitation to Arts Northern Rivers to attend a future Tweed Aboriginal Advisory Committee meeting in relation to this and future projects.*

GB1.Jack Evans Boat Harbour - aquaSplash

That Council notes the attached letter from Aboriginal Advisory Committee to the General Manager and the response provided to the Aboriginal Advisory Committee.

Miscellaneous Note:

In relation to Business Arising, p3 of 8 of the Minutes, A3. Wooyung Development, Council resolved as follows:

- A. *ATTACHMENTS 1 & 2 are CONFIDENTIAL in accordance with Section 10A(2)(g) 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.*
- B. *Development Application DA14/0892 for a staged development for a dwelling house and related works, the first stage for which Development Consent is sought to define a dwelling house pad site, and also for which concept approval is sought for a second stage dwelling, access and tree removal at Lot 1 DP 408972; Wooyung Road, Wooyung be refused for the following reasons:*
 1. *The applicant has failed to provide sufficient development design and associated ecological survey and assessment information to enable comprehensive analysis and evaluation of potential cumulative impacts that may result from the ultimate development (Stage 1 and 2). As such:*
 - a) *Significant uncertainty remains as to the extent and level of cumulative impact on threatened species, their habitats and Endangered and Threatened Ecological Communities listed under the Threatened Species Conservation Act 1995 and/or Environment Protection and Biodiversity Conservation Act 1999; therefore*
 - b) *Section 5A of the EP&A Act has not been satisfied*
 2. *The proposal is inconsistent with the likely outcome of the North Coast E Zone Review for this site where it is expected that the subject site be designated an E2 Environmental Conservation zoning.*
 3. *The proposal has not clearly demonstrated how the objectives of the 1(a) Rural Zone and 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zones designated under the Tweed Local Environmental Plan 2000 have been met.*
 4. *The proposal has not demonstrated how Clause 8 of the Tweed LEP 2000 has been satisfied in regards to cumulative impact.*

5. *The proposal has not demonstrated how Clause 45 of the Tweed LEP 2000 has been satisfied in regards to adequately reporting on the two known Aboriginal sites within the subject site. The NSW Office of Environment & Heritage requested additional information within the cultural heritage report which has not been provided.*
6. *The likely environmental impacts and effect on the long term functional value of a recognised Regional Wildlife Corridor at a local scale has not been comprehensively considered.*
7. *The proposal fails to adequately demonstrate how the SEPP 26 Littoral Rainforest is to be protected and managed based on the ultimate development (Stage 1 and 2) in accordance with Clause 25 of the Tweed LEP 2000.*
8. *The proposal fails to articulate how the design of the development sensitively responds to the sites ecological features to be confident that the development is suitable for the site.*
9. *The application is inconsistent with the existing approved development consent over the site (D88/0640).*
10. *The proposal has not provided sufficient information to be confident that the development complies with State Environmental Planning Policy 71 – Coastal Protection, particularly in relation to preservation of coastal vegetation and maintenance of wildlife corridors.*
11. *The proposed development is not considered to be in the public interest given the impacts of the proposal on the existing sensitive environment.*

The Motion was Carried

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

<p><i>NOTE: Cr G Bagnall requested on 9 May 2016 that the vote above be amended to reflect his vote FOR the Motion.</i></p>

This is contrary to the advice provided to the Aboriginal Advisory Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

312

**Cr W Polglase
Cr C Byrne**

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 GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Aquatic Facilities

REASON FOR CONFIDENTIALITY:

Matters pertaining to industrial negotiations that may impact on a number of Council staff.

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: -

- (a) personnel matters concerning particular individuals (other than councillors).
- (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 16

That:

1. As per Council's resolution of 10 December 2015, it was proposed to develop an Aquatic Facilities Business Plan that will review all areas of the operations seeking to improve operating performance including:
 - Fee structures
 - Sustainability upgrades
 - Operating hours
 - Café and merchandising
 - Marketing
 - Programs
2. Council enters into an Aquatic facility Enterprise Agreement as per the terms held over from industrial negotiations held 4 May 2016 and proceeds to employ staff under the conditions within the Agreement.

The Motion was **Carried**

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

C2 [GM-CM] Potential Property Purchase

REASON FOR CONFIDENTIALITY:

This report is to be considered in confidential as details of the potential purchase may impact on the sale 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: -

- (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 18

That Council authorises the General Manager to enter into a purchase contract for the house and land package located at 341 Tweed Valley Way, Murwillumbah (Lot 7, Section 8, DP 2974) for an amount not exceeding the agreed upper limit.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Specialised Chicken Services - Update

REASON FOR CONFIDENTIALITY:

This report provides Council an opportunity to determine the best action to resolve an outstanding financial matter.

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 19

That Council:

1. Accepts the proposal by Midg-Con Pty Ltd trading as Specialised Chickens Services Pty Ltd to pay \$25,000 in June 2016 and \$25,000 in July 2016 as an 'up front' payment to reduce the total amount owing to Council.
2. Requires Midg-Con Pty Ltd trading as Specialised Chicken Services Pty Ltd to pay at least \$10,000 per month by direct debit and/or negotiates and obtain additional securities until the outstanding amount including interest is zero.
3. Proceeds with legal action to recover the outstanding debt should Midg-Con Pty Ltd trading as Specialised Chicken Services Pty Ltd default on the 'up front' or monthly payments.
4. Discounts the total outstanding liquid trade waste charges as at 31 May 2016 by the percentage in Option 2 of the report once the Aerofloat DAF treatment plant has been commissioned.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C4 [CS-CM] RFP2015090 Human Resources/Payroll System

REASON FOR CONFIDENTIALITY:

This report deals with negotiations with a prospective supplier.

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 20

That Council, in respect of Request for Price RFP2015090 Supply, Install and Configure a Human Resources and Payroll (HRP) Solution:

1. In accordance with Clause 178(1)(b) - declines to accept any of the three conforming tenders.
2. In accordance with Clause 178(3)(e) - enters into negotiations with Frontier Software Pty Ltd with a view to investigating and potentially entering into a contract in relation to the subject matter of the tender (which excludes and/or replaces the third party electronic timesheet product).
3. In accordance with Clause 178(4)(a) - notes the reason for declining to invite fresh tenders or applications is that due to the limited number of potential suppliers, it is highly unlikely to attract a different range of applications.
4. In accordance with Clause 178(4)(b) - notes the reason for determining to enter into negotiations with Frontier Software Pty Ltd is that their product was considered the most suitable, however the third party electronic timesheet product was not considered to be a good fit for Council's operations and was considered to be overly expensive.
5. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

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

313

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

There being no further business the Meeting terminated at 6.05pm



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

Chairman