



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland (Mayor)

**Councillors:** M Armstrong (Deputy Mayor)  
G Bagnall  
C Byrne  
K Milne  
W Polglase  
P Youngblutt

# Minutes

## **Ordinary Council Meeting Thursday 18 July 2013**

held at Murwillumbah Cultural and Civic Centre  
commencing at 4.45pm

## 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 4.45pm.

## **IN ATTENDANCE**

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

Also present were Mr Troy Green (Acting General Manager), Mr Michael Chorlton (Acting Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) 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 by Council's Chaplain, Reverend Chris Lindsay from St Andrews Presbyterian Church.

*"We bow before you, Creator God, our Father in Heaven  
Your holy scriptures tell us,*

*Psalms 24*

- 1. The earth is the Lord's, and everything in it, the world, and all who live in it;*
- 2. for he founded it on the seas and established it on the waters*

*We thank you for the breathe of life you give us each day.  
We thank you for making a world that sustains a rich diversity of life. A world within which we have the power to work and leisure to rest.*

*We thank you for you watch over those appointed to exercise good government over us. Help our leaders and civic servants pursue public service for the best reasons and with significant skill. Not for personal gain but for the wider welfare of our community and environment.*

*We know their job is not easy. Grant wisdom to the members of this chamber. So that as they govern, benefits will flow broadly and deeply to our local community. Help them govern with equity and justice.*

*Enable us to be a community that is energetic in our civil service as well. Working respectfully with the leadership of this council to seek the welfare of ALL not just the profit of some.*

*In the name of Jesus Christ, we bring these petitions before you. Amen."*

## **CONFIRMATION OF MINUTES**

### **1 [CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 June 2013**

451

**Cr P Youngblutt**  
**Cr M Armstrong**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 June 2013 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***

## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

**Cr G Bagnall** declared a Significant, Non-Pecuniary Interest in Item 9 [PR-CM] Compliance Matters in Relation to No 140 Turners Road, Wardrop Valley. The nature of the interest is that Cr G Bagnall is known to the proponents of this item. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

**Cr G Bagnall** declared a Pecuniary Interest in Item 10 [PR-CM] Development Application DA12/0620 for Construction of an Awning over an Existing Outdoor Dining Area at Lot 2 DP521302 No 13 Wharf Street, Murwillumbah and Road 5900 Wharf Street, Murwillumbah. The nature of the interest is that Cr G Bagnall operates a similar business in the vicinity. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

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

Nil.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**2 [SOR] Schedule of Outstanding Resolutions**

The Schedule of Outstanding Resolutions report was received and noted.

**MAYORAL MINUTE**

**3 [MM-CM] Mayoral Minute for the period from 4 June to 2 July**

**452**

**Cr B Longland**

**RESOLVED** that:

1. The Mayoral Minute for the period from 4 June to 2 July 2013 be received and noted.
2. The attendance of Councillor(s) at the following nominated Conference be authorised:
  - Cr G Bagnall be nominated to attend "The Councillor Weekend, LG NSW Councillor Development Program - to be held in Sydney on 16-17 August 2013.
  - Cr B Longland, Cr W Polglase and Cr K Milne be nominated to attend and be voting delegates to the Local Government NSW Annual Conference 2013 to be held in Sydney on 1-3 October 2013.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**ORDERS OF THE DAY**

Nil.

**QUESTIONS ON NOTICE**

Nil.

## RECEIPT OF PETITIONS

### 4 [ROP] Receipt of Petitions

Nil.

## REPORTS THROUGH THE ACTING GENERAL MANAGER

### REPORTS FROM THE ACTING GENERAL MANAGER

### 5 [GM-CM] Tweed Shire Business Excellence Awards

453

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that Council becomes a Platinum Sponsor comprising a monetary value of \$5,500 to the Business Excellence Awards Tweed Shire, organised by the Murwillumbah District Business Chamber, and allows the Tweed Heads Civic Centre to be used at no cost on 12 October 2013 for the conduct of these awards.

454

### AMENDMENT

Cr K Milne  
Cr G Bagnall

**PROPOSED** that Council becomes a Silver Sponsor comprising a monetary value of \$1,100 to the Business Excellence Awards Tweed Shire, organised by the Murwillumbah District Business Chamber, with the condition that this sponsorship relates to contributions towards ecological sustainability, cultural development and community benefit.

The Amendment was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland**

The Motion was **Carried** (Minute No 453 refers).

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

**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

**6 [GM-CM] Applications for Financial Assistance 2013/2014 - Festivals and Events Policy**

455

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

**RESOLVED** that:

1. Council allocates Festival and Events funding for 2013/2014 under the Festivals and Events Policy as follows:

<b>Application</b>	<b>Amount</b>
(a) Tweed Heads Croquet Club Inc (Croquet Spring Festival)	\$1,000
(b) Twin Towns Services Club (NYE Fireworks 9pm)	\$4,000
(c) Cooly Rocks On	\$20,000
(d) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$7,500
(e) Tweed Food Fest Inc (Tweed Foodie Fest)	\$5,000
(f) Chillingham Community Association Inc (Three Choirs Festival)	\$750
(g) The Family Centre (Superhero Saturday)	\$1,500
(h) Caba Creative (Caba Creative Carnivale)	\$1,150
(i) Crabbes Creek Community Film Society (CrabbesFest)	\$1,000
(j) St Joseph's Youth Services (Tweed Mental Health Awareness - Family Fun Day)	\$3,000
(k) Caldera Environment Centre (World Environment Day Festival)	\$4,000
(l) Tweed River Canine Club (Canine Spectacular)	\$1,500
(m) Coolangatta-Mt Warning Dragon Boat Club Inc (Tweed River Festival Regatta)	\$1,500
(n) Murwillumbah Festival of Performing Arts (Murwillumbah Festival of Performing Arts)	\$7,500
(o) Kids in Need Association (Kids in Need Dragon Boat Festival 2013)	\$1,500
(p) Murwillumbah Rowing Club (Head of the Tweed 2014)	\$1,500
(q) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	\$1,500
<b>TOTAL</b>	<b><u>\$63,900</u></b>

2. Council has allocated multi-year funding in 2012/2013 for 2013/2014 and 2014/2015 under the Festivals and Events Policy as follows:

<b>Application</b>	<b>Amount</b>
(a) Tweed River Agricultural Society (Murwillumbah Show)	\$7,500
(b) Island Style Promotions (Australian Longboard Surfing Festival)	\$5,000
(c) Tyalgum Festival Committee Inc (Tyalgum Festival of Classical Music and Community Spring Fair)	\$6,000
<b>TOTAL per year</b>	<b><u>\$18,500</u></b>

3. Council allocates multi-year funding for 2014/2015 and 2015/2016 under the Festivals and Events Policy as follows:

<b>Application</b>	<b>Amount</b>
(a) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$7,500
(b) Tweed Food Fest Inc (Tweed Foodie Fest)	\$5,000
(c) Murwillumbah Festival of Performing Arts	\$7,500
(d) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	\$1,500
<b>TOTAL per year</b>	<b>\$21,500</b>

4. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-

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

456

#### AMENDMENT

**Cr G Bagnall**  
**Cr K Milne**

**PROPOSED** that:

1. Council allocates Festival and Events funding for 2013/2014 under the Festivals and Events Policy as follows:

<b>Application</b>	<b>Amount</b>
(a) Tweed Heads Croquet Club Inc (Croquet Spring Festival)	\$1,000
(b) Twin Towns Services Club (NYE Fireworks 9pm)	\$4,000
(c) Cooly Rocks On	\$11,300
(d) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$10,000
(e) Tweed Food Fest Inc (Tweed Foodie Fest)	\$7,500
(f) Chillingham Community Association Inc (Three Choirs Festival)	\$750
(g) The Family Centre (Superhero Saturday)	\$1,500
(h) Caba Creative (Caba Creative Carnivale)	\$1,850
(i) Crabbes Creek Community Film Society (CrabbesFest)	\$1,000
(j) St Joseph's Youth Services (Tweed Mental Health Awareness - Family Fun Day)	\$3,000
(k) Caldera Environment Centre (World Environment Day Festival)	\$4,000
(l) Tweed River Canine Club (Canine Spectacular)	\$1,500
(m) Coolangatta-Mt Warning Dragon Boat Club Inc (Tweed River Festival Regatta)	\$2,000
(n) Murwillumbah Festival of Performing Arts (Murwillumbah Festival of Performing Arts)	\$10,000



Application	Amount
(o) Kids in Need Association (Kids in Need Dragon Boat Festival 2013)	\$1,500
(p) Murwillumbah Rowing Club (Head of the Tweed 2014)	\$1,500
(q) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	\$1,500
<b>TOTAL</b>	<b>\$63,900</b>

2. Council has allocated multi-year funding in 2012/2013 for 2013/2014 and 2014/2015 under the Festivals and Events Policy as follows:

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<b>TOTAL per year</b>	<b>\$18,500</b>

3. Council allocates multi-year funding for 2014/2015 and 2015/2016 under the Festivals and Events Policy as follows:

Application	Amount
(a) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$7,500
(b) Tweed Food Fest Inc (Tweed Foodie Fest)	\$5,000
(c) Murwillumbah Festival of Performing Arts	\$7,500
(d) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	\$1,500
<b>TOTAL per year</b>	<b>\$21,500</b>

4. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-  
 (a) personnel matters concerning particular individuals (other than councillors).

The Amendment was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland**

The Motion was **Carried** (Minute No 455 refers)

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

**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

**7 [GM-CM] Structural Reform of Northern Rivers County Councils**

**457**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. Council supports the creation of a new county council that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives in the Richmond Valley region; the governance structure would include representation from Byron, Ballina, Lismore and Richmond Valley Councils. The new county council would exclude Tweed and Kyogle Shire Councils.
2. To facilitate 1 above, the Minister for Local Government be advised of Tweed's position regarding the future of Far North Coast Weeds County Council and the proposed restructure into one body of the three county councils in the Northern Rivers.
3. It be noted that Council's intention, should this restructure occur, is to initially negotiate a service level agreement with the new entity for provision of noxious weeds management services.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**8 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**458**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Council notes that for June 2013 there are no Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**9 [PR-CM] Compliance Matters in Relation to No. 140 Turners Road, Wardrop Valley**

Cr G Bagnall declared a Significant, Non-Pecuniary Interest in this item. The nature of the interest is that Cr G Bagnall is known to the proponents of this item. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter. Cr G Bagnall left the meeting at 5.37PM.

**459**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that item be deferred to the August meeting of Council.

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

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

**10 [PR-CM] Development Application DA12/0620 for Construction of an Awning over an Existing Outdoor Dining Area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah and Road 5900 Wharf Street, Murwillumbah**

Cr Bagnall declared a pecuniary interest in this item. The nature of the interest is that Cr G Bagnall operates a similar business in the vicinity. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

**460**

**Cr M Armstrong  
Cr K Milne**

**PROPOSED** that Development Application DA12/0620 for construction of an awning over an existing outdoor dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf Street, Murwillumbah be refused for the following reasons:

1. The development would result in a security and public safety risk and would therefore be contrary to Clause 4, Clause 8 and Clause 11 of the Tweed Local Environmental Plan 2000.
2. The development would detract from the heritage significance of the host building and the character and amenity of the Murwillumbah Town Centre and would therefore be contrary to Clause 4, Clause 8, and Clause 11 of the Tweed Local Environmental Plan 2000.
3. The development would not protect or enhance the public domain and would therefore be contrary to the Murwillumbah Town Centre Development Control Plan - B22.

4. The development would detract from the heritage significance of the Murwillumbah Main Street Conservation Area and would therefore be contrary to Clause 5.10 of the Tweed Draft Local Environmental Plan 2012.

**461**

**AMENDMENT**

**Cr C Byrne  
Cr W Polglase**

**RESOLVED** that this item be deferred to the August meeting of Council to allow Council staff to continue to negotiate with the owner for an alternative structure.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 461 refers)

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

Cr G Bagnall has returned from temporary absence at 05:58 PM

**11 [PR-CM] Border Park Raceway Planning Proposal PP13/0001**

**462**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. A Planning Proposal PP13/0001 be prepared for the Border Park Raceway site in respect of Lot 644 DP 755740 and Lot 21 DP 518902 for employment lands, subject to the final zone being determined through the additional detailed assessment requirements as outlined in this report;
2. The Planning Proposal PP13/0001 be referred to the Department of Planning and Infrastructure following execution of a costs and expenses agreement between Council and the proponent; and
3. The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.

463

**AMENDMENT 1**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that Council proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a Ministerial Gateway determination, subject to the additional detailed assessment as identified in this report and other potential assessment as identified by the consultant undertaking the processing of the proposal, to inform the employment zone of the subject site.

The Amendment 1 was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland**

464

**AMENDMENT 2**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that this item be deferred for a Workshop.

The Amendment 2 was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland**

The Motion was **Carried** (Minute No 462 refers)

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

**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

**12 [PR-CM] Planning Reform Unit - Resourcing Implications for Council's Strategic Project Resolutions Post Adoption of the Unit's Work Program 2013/2016**

**465**

**Cr M Armstrong  
Cr B Longland**

**RESOLVED** that:

1. The report Planning Reform Unit - Resourcing Implications for Council's Strategic Project Resolutions Post Adoption of the Unit's Work Program 2013/2016 be received and noted; and
2. A Councillors Workshop be held to discuss the feasibility of advancing additional items to the adopted 2013/16 Planning Reforms Unit Work Program.

Cr W Polglase temporarily left the meeting at 06:27 PM.

Cr W Polglase returned from temporary absence at 06:28 PM

The Motion was **Carried**

***FOR VOTE - Unanimous***

**13 [PR-CM] Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora**

The Acting General Manager, Mr Troy Green, declared a pecuniary interest in this matter. The nature of Mr Green's interest is that he is an adjacent property owner. Mr Green vacated the chamber during the discussion and voting on the matter

**466**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that:

1. The report on Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora be received and noted.
2. Council investigates alternative options to preserve the scenic qualities of the site, including negotiation with the owner and option for a part commercial rezoning.

**467**

**AMENDMENT**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that the report on Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora be received and noted.

The Amendment was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong**  
**AGAINST VOTE - Cr K Milne, Cr G Bagnall, Cr B Longland**

The Amendment on becoming the Motion was **Carried** - (Minute No 467 refers)

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland**  
**AGAINST VOTE - Cr G Bagnall**

#### **ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.44 pm.

#### **RESUMPTION OF MEETING**

The Meeting resumed at 7.28pm

#### **REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

##### **14 [CNR-CM] Provision of Library Services**

**468**

**Cr P Youngblutt**  
**Cr C Byrne**

**RESOLVED** that pending the recommendations/outcome of the NSW Local Government Reform Proposals:

1. Council continues to participate in the Richmond Tweed Regional Library; and
2. Further develops a business model for the Library service in conjunction with the other constituent councils.

The Motion was **Carried**

**FOR VOTE - Unanimous**

##### **15 [CNR-CM] Commonwealth HACC Program Transition Funds**

**469**

**Cr M Armstrong**  
**Cr P Youngblutt**

**RESOLVED** that Council accepts the \$70,000 funds from the Australian Government Department of Health and Ageing for aged care services and votes the expenditure.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**16 [CNR-CM] Waive Fees for Facility Hire - NSW Police Tweed Byron Command**

**470**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. Council endorses the waiver of fees for NSW Police Force, Tweed/Byron Local Area Command to use the South Sea Islander Room at Tweed Heads Civic Centre to facilitate meetings between Police and the Aboriginal Community for 2013/14 and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
2. Provision for the ongoing support be built into the proposed amended policy.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**17 [CNR-CM] Reduction of Water Consumption Charges due to Undetectable Leakage Policy**

**471**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that Council exhibits the draft Policy entitled "Reduction of Water Consumption Charges due to Undetectable Leakage" Version 2.0 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***

**18 [CNR-CM] River Health Grants**

**472**



**Cr M Armstrong**  
**Cr P Youngblutt**

**RESOLVED** that Council approves the proposed River Health Grants included within this report.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## **REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

**19 [EO-CM] Acquisition of Easement for Water Supply - Tweed Heads West**  
**473**

**Cr K Milne**  
**Cr M Armstrong**

**RESOLVED** that:

1. Council approves the acquisition of an Easement for Water Supply 3 wide within Lot 6 in DP1117326 and Lot 25 in DP1017105 and the easement for Water Supply variable width within Lot 2 in DP1032820 created in DP 1181654 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Council approves the amount of compensation payable to each land owner as noted in the body of the report; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**20 [EO-CM] Alteration of Locality Boundary between Tomewin and Glengarrie**  
**474**

**Cr K Milne**  
**Cr M Armstrong**

**RESOLVED** that Council makes application to the Geographical Names Board for a minor amendment of the locality boundary between Tomewin and Glengarrie as per the body of the report.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**21 [EO-CM] Response to Notice of Motion - Assistance Animals Including Guide Dogs and Hearing Dogs**

**475**

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED** that Council notes:

1. The report and confirms the use of the off leash area within Arkinstall Park for a community recreation area as per the current master plan and Regional Development Australia funding agreement.
2. The draft Access and Inclusion Plan will include recommendation for a research project which will provide Council with an issues paper to make policy and planning decisions on dog culture.

**476**

**AMENDMENT**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that this item be deferred for a Workshop.

The Amendment was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

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

The Motion was **Carried** (Minute No 475 refers)

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

***AGAINST VOTE - Cr K Milne, Cr G Bagnall***

**22 [EO-CM] Ball Games - Thomas Needen Park - Tweed Heads**

**477**

**Cr K Milne  
Cr P Youngblutt**

**RESOLVED** that:

1. Council invites submissions on the placing of no ball games restrictions in Thomas Needen Park, Tweed Heads.

2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

***FOR VOTE - Unanimous***

- 23 [EO-CM] Naming of Council Public Parks and Sportsfields Policy Version 2.0**

**478**

**Cr K Milne  
Cr P Youngblutt**

**RESOLVED** that Council places the draft "Naming of Council Public Parks and Sportsfields Policy Version 2.0" on public exhibition for a period of 28 days and seeks submissions for a period of 42 days.

The Motion was **Carried**

***FOR VOTE - Unanimous***

- 24 [EO-CM] Restoration of Walls Quarry - Expressions of Interest**

**479**

**Cr K Milne  
Cr P Youngblutt**

**RESOLVED** that "All Excavations and Environment" be invited to submit a formal tender for the restoration of Walls Quarry in accordance with the plan of restoration based on their proposal described in their Expression of Interest.

The Motion was **Carried**

***FOR VOTE - Unanimous***

- 25 [EO-CM] Road and Bridge Asset Benchmarking Reports**

**480**

**Cr K Milne  
Cr P Youngblutt**

**RESOLVED** that the information regarding the Institute of Public Works Engineering Australia Limited NSW Division (IPWEA)'s Road Asset Benchmarking Project 2012 - Road Management Report and Road Asset Benchmarking Project 2012 - Timber Bridge Management Report be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**26 [EO-CM] Upgrade and Repair of Kennedy Drive, Tweed Heads West**

Cr M Armstrong temporarily left the meeting at 07:48 PM due to a significant, non-pecuniary Conflict of Interest. The nature of the interest is due to Cr M Armstrong's employment situation. Cr M Armstrong will manage the conflict by leaving the Chamber and taking no part in the discussion or voting.

**481**

**Cr W Polglase  
Cr P Youngblutt**

**PROPOSED** that:

1. The Upgrade and Repair of Kennedy Drive, Tweed Heads West report be received and noted.
2. Council seeks the commitment from the potential Federal Election candidates for the seat of Richmond for an amount of approximately \$7 million to complete the upgrade and repair of Kennedy Drive.

**482**

**AMENDMENT**

**Cr B Longland  
Cr G Bagnall**

**RESOLVED** that the Upgrade and Repair of Kennedy Drive, Tweed Heads West report be received and noted.

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

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

The Motion was **Carried** on the Casting Vote of the Mayor (Minute No 482 refers)

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

Cr M Armstrong has returned from temporary absence at 07.59PM

**27 [EO-CM] Tweed Heads Streetscape Master Plan**

**483**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that:

1. Council endorses the Grant application for funding from the Regional Development Australia Fund - Stage 5, for construction of the Stage 2 works of the Tweed Heads Streetscaping Master Plan in Bay Street West from Navigation Lane to Enid Street and Wharf Street from Francis Street to Florence Street.
2. Council holds a Workshop on the Tweed Heads Streetscaping Master Plan.
3. Subsequent to this Workshop, Council brings forward a report on the establishment of a community working group for the Tweed Heads Streetscaping Master Plan.

**484**

**AMENDMENT**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council endorses the Grant application for funding from the Regional Development Australia Fund - Stage 5, for construction of the Stage 2 works of the Tweed Heads Streetscaping Master Plan in Bay Street West from Navigation Lane to Enid Street and Wharf Street from Francis Street to Florence Street.

The Amendment was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland  
AGAINST VOTE - Cr K Milne***

The Amendment on becoming the Motion was **Carried** - (Minute No 484 refers)

***FOR VOTE - Unanimous***

**REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES**

**28 [TCS-CM] 2013/2014 Making the Rate**

**485**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that:

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1. Council makes the 2013/2014 rates and charges in accordance with the provisions of sections 493, 494, 495, 495A, 496, 498, 501, 502, 506, 508A, 541, 548 and 553 of the Local Government Act 1993: -

(a) Ordinary Rates (section 494, 498, 508A)

(i) Residential Rate

A Residential Rate of .4854 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of nine hundred and seventy two dollars and twenty cents (\$972.20) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3138 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of nine hundred and seventy two dollars and twenty cents (\$972.20) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5188 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of one thousand and thirty eight dollars and ninety five cents (\$1038.95) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 495A, 496, 501, 502 and 553)

(i) Sewerage Annual Charge (Section 501)

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of six hundred and ninety one dollars (\$691.00) in respect of any separate parcel of rateable land.

(ii) Water Annual Charge (Section 501)

Residential assessments – a service charge of \$138.00

Business assessments – a service charge based on meter size, being \$138.00, times the Flow Capacity Factor (as detailed in Table 1) and given the Multiplier Consumption Factor was reached (as detailed in Table 2)

A volumetric charge of \$2.25 per kilolitre for all consumption to 300KL.

A volumetric charge of \$3.40 per kilolitre for all consumption after 300KL.

Vacant assessments rated to water – a service charge of \$138.00

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

Table 1. Flow Capacity Factors

Diameter of Service mm	Cross sectional area	Flow Capacity Factor
20	314	1.00
25	491	1.56
32	804	2.56
40	1,256	4.00
50	1,963	6.25
80	5,024	16.00
100	7,850	25.00
150	17,663	56.25
200	31,400	100.00
250	49,063	156.25
300	70,650	225.00

Table 2. Consumption Factors

Consumption Scale		Consumption Factors										
KL from	KL to	Meter size (mm)										
		20	25	32	40	50	80	100	150	200	250	300
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

(vi) Koala Beach Special Rate (Section 495)

A Koala Beach Special Rate of .0718 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

- LOT 1 DP 86409
- LOT 2 DP 864093
- LOT 3 DP 864093
- LOT 4 DP 864093
- LOT 5 DP 864093
- LOT 6 DP 864093
- LOT 7 DP 864093
- LOT 8 DP 864093
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- LOT 18 DP 864093
- LOT 19 DP 864093
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- LOT 21 DP 864093
- LOT 30 DP 864094

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- (x) Domestic Waste Management Annual Charge (Section 496)  
A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit . An annual charge of fifty six dollars and fifty five cents (\$56.55) in respect of any applicable land within the declared domestic waste scavenging area.
- (xi) Domestic Waste Service Annual Charge (Section 496)  
A Domestic Waste Service Annual Charge for all land within the declared domestic waste scavenging area for the removal of the approved contents of the standard 140 litre mobile waste bin each week, maps of which are available from Council's Waste Management Unit. An annual charge of one hundred and sixty one dollars and fifteen cents (\$161.15) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 80 litre mobile bin will be available to residents who have low waste generation. An annual charge of one hundred and nine dollars and ten cents (\$109.10) in respect of any applicable serviced land within the declared domestic waste scavenging area.



An Alternate 240 litre mobile bin will be available to residents who have high waste generation. An annual charge of two hundred and two dollars and forty cents (\$202.40) in respect of any applicable serviced land within the declared domestic waste scavenging area.

(xii) Landfill Management Charge (Section 501)

A Landfill Management Annual Charge for all rateable land within the boundary of the Tweed Shire. An annual charge of forty five dollars and seventy cents (\$45.70) in respect of all rateable land within the boundary of the Tweed Shire.

(xiii) Green Organics Collection Charge (Section 496)

An additional annual charge of fifty four dollars (\$54.00) is applicable to all landowners who have requested a fortnightly green organics collection service.

(xiv) Waste Minimisation and Recycling Annual Charge (Section 496)

A Waste Minimisation and Recycling Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty one dollars and fifty five cents (\$61.55) in respect of any applicable land within the declared domestic waste scavenging area.

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 9% pa.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**29 [TCS-CM] 2013/2014 Loan Borrowing Program**

**486**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that:

1. The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations.
2. Relevant loan documentation is to be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**30 [TCS-CM] Draft Privacy Management Plan, Version 1.3**

**487**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that, in accordance with Section 160 of the Local Government Act 1993, the Draft Privacy Management Plan Version 1.3 be placed on public exhibition for a period of at least 28 days, with a submission period of at least 42 days.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**31 [TCS-CM] Review of Council's Delegations**

**488**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Council confirms the:

1. Delegations to the General Manager other than the functions of Council in accordance with Section 377 of the Local Government Act 1993.
2. Delegation previously provided on 28 November 2006 to Ballina Shire Council, in accordance with Section 377 of the Local Government Act 1993, for the purpose of undertaking administration of the North East Weight of Loads Group (NEWLOG).

The Motion was **Carried**

***FOR VOTE - Unanimous***

**32 [TCS-CM] Review of Council Policy - Audit Committee Charter, Version 1.6**

**489**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Council:

1. Adopts minor amendments to Audit Committee Charter, Version 1.6.
2. In accordance with Section 161(2) of the Local Government Act 1993 is of the opinion that the amendments are not substantial and that it adopts the amended local policy without public exhibition.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**33 [TCS-CM] Donations (Financial Assistance) Policy, Version 1.1**

**490**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Council reinstates the Donations (Financial Assistance) Policy, Version 1.1 as a Council Policy.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**34 [TCS-CM] Amended Driveway Access to Property - Design Specification Policy, Version 1.4**

**491**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Council:

1. Updates the Driveway Access to Property – Design Specification Policy to Version 1.4, which includes the suggested amendment.
2. In accordance with Section 161(2) of the Local Government Act 1993, is of the opinion that the amendment is not substantial and that it adopts the amended local policy without public exhibition.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**35 [TCS-CM] Establishment of a Council Mediation Procedure, Version 1.0**

**492**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Council notes the establishment of a formal mediation process known as Council's Mediation Procedure, Version 1.0.

The Motion was **Carried**

***FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland***

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

**36 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 June 2013**

**493**

**Cr B Longland**

**Cr W Polglase**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 June 2013 totalling \$165,319,134 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

#### **DELEGATE REPORTS**

Nil.

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

**37 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 May 2013**

**494**

**Cr B Longland**

**Cr W Polglase**

**RESOLVED** that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 May 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**38 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 June 2013**

**495**

**Cr B Longland**

**Cr W Polglase**

**RESOLVED** that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 June 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**39 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 June 2013**

**496**

**Cr B Longland  
Cr W Polglase**

**RESOLVED** that the Minutes of the Tweed River Committee Meeting held Wednesday 12 June 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**40 [SUB-TRAGAC] Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 June 2013**

**497**

**Cr B Longland  
Cr W Polglase**

**RESOLVED** that the Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 June 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**41 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 June 2013**

**498**

**Cr B Longland  
Cr W Polglase**

**RESOLVED** that:

1. The Minutes and recommendations of the Local Traffic Committee Meeting held Thursday 13 June 2013 be received and noted, and

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

**A1 [LTC-LATE] Murwillumbah Street, Murwillumbah**

That a "No Stopping" yellow edge line be installed for the same length of the double centre line on the southern side of Murwillumbah Street at its intersection with Banner Street.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**CONFIDENTIAL COMMITTEE**

**499**

**Cr P Youngblutt**

**Cr M Armstrong**

**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**

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

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

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

**1 [CNR-CM] Eviron Road Quarry and Landfill**

**REASON FOR CONFIDENTIALITY:**

The reason for confidentiality is that this report involves the negotiation of a private agreement for purchase of a property by Council.

**Local Government Act**

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

- (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 43**

That:

1. Council approves the purchase of property in Eviron Road, Eviron comprised in Lot 1 DP 783802 for the price and the terms referred to in the body of the report.
2. All documentation be executed under the Common Seal of Council.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) 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***

## **REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES IN COMMITTEE**

### **2 [TCS-CM] AC2013-089 Tender for Audit Services**

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

Due to a competitive process associated with the determination and contents contained within the report, it has been determined that it should be considered in a confidential report.

#### **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 44**

That Council accepts the tender from Thomas Noble & Russell for the supply of audit services for a term of six (6) years commencing 1 July 2013 to 30 June 2019 at an initial

cost of \$73,700 inclusive of GST, indexed annually in subsequent years in accordance with an annual index agreed to, and independent of, both parties.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**500**

**Cr M Armstrong  
Cr C Byrne**

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 8.42pm.



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

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**Chairman**