



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

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

# Minutes

## **Ordinary Council Meeting Thursday 11 December 2014**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

## COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 5.00pm.

### **IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Mr Neil Baldwin (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Richard Adams (Manager Holiday Parks and Economic Development), Mr Peter Brack (Corporate Compliance Officer) and Mrs Kerrie McConnell (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 Mayor.

### **CONFIRMATION OF MINUTES**

#### **1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meetings held Thursday 20 November 2014**

**687**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 November 2014 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 1 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 - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr B Longland, Cr G Bagnall**  
**AGAINST VOTE - Cr C Byrne**

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**2 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 4 December 2014**

688

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** the Minutes of the Ordinary Council Meeting held Thursday 4 December 2014 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

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

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**APOLOGIES**

Nil.

**DISCLOSURE OF INTEREST**

Nil.

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

**QUESTION ON NOTICE**

**35. [QON-Cr Milne] Pottsville Men's Shed**

The General Manager will be tabling a Confidential Memo and related attachment (which will be included in the Confidential Minutes) under Section 10A2(d)(i) of the Local Government Act 1993:

- (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*

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

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

The report on the Schedule of Outstanding Resolutions was received and noted.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for November 2014

689

Cr G Bagnall

**RESOLVED** that:

1. The Mayoral Minute for the month of November be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised:

Cr G Bagnall Australian Coastal Councils Conference, Mornington Peninsular,  
Victoria, 11-13 March 2015.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## RECEIPT OF PETITIONS

### 5 [ROP] Receipt of Petitions

No petition(s) were received.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

### 6 [GM-CM] Destination Tweed: Quarterly Report for the quarter July to September 2014

690

Cr M Armstrong

Cr P Youngblutt

**RESOLVED** that Council:

1. Notes Destination Tweed's Quarterly Report for the quarter July to September 2014.
  2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
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- (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***

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

### **7 [PR-CM] Animal Management Policy and Practices - Review of Council's Pound Operations - Updated Report**

**691**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. Council receives and notes the outcomes of meeting held between Council and Friends of the Pound on 27 November 2014 in terms of alternative proposals for the review of Council's Pound operations; and
2. The officers submit a further report on a preferred proposal in early 2015.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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### **8 [PR-CM] Non-Motorised Water Recreation Businesses and Tweed Local Environmental Plan 2014/Tweed City Centres Local Environmental Plan 2012**

**692**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that:

1. ATTACHMENT 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. The draft policy provided in the attachments be placed on public exhibition for 28 days and invites public submissions up to 42 days.

3. Following the public exhibition period a report be prepared for Council's consideration of the submissions and any amendments to the draft if required.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 9 [CNR-CM] Chinderah Pontoon - Budget for Construction

693

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that:

1. Council awards the contract EQ2014-150 Chinderah Bay Drive Floating Pontoon Jetty, Gangway and Abutment to Pacific Pontoon & Pier for the amount of \$187,250 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations and those variations be reported to Council at finalisation of the contract.
3. The General Manager be delegated authority to pursue any additional funding or grants for the project, and that any necessary documentation be executed under the Common Seal of Council.
4. 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 P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland, Cr G Bagnall**  
**AGAINST VOTE - Cr K Milne**

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**10 [CNR-CM] EC2014-094: Supply and Installation Arkinstall Park Solar Powered Street Light System**

**694**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EC2014-094 Supply and Installation Arkinstall Park Solar Powered Street Light System to Desire Contractors Pty Ltd for the amount of \$180,196 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations 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***

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**11 [CNR-CM] EC2014-156 Tender Recommendation - Processing and Removal of Greenwaste from the Stotts Creek Resource Recovery Centre**

**695**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council accepts the schedule of rates tender of Aegina Pty Ltd (trading as ARG Trees) including the alternate schedule as proposed, for Tender EC2014-156 Processing and removal of greenwaste from the Stotts Creek Resource Recovery Centre.
2. 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**

**12 [CNR-CM] Promotion of Touring Productions**

**696**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that Council notes:

1. The report on the key advantages and challenges of the Murwillumbah auditorium following Opera Australia's visit in August 2014.
2. Low cost priority works at the Murwillumbah auditorium can be met by its existing maintenance budget.
3. The forthcoming shire-wide cultural plan process will directly engage Murwillumbah Theatre Company, other auditorium stakeholders and the broader community to consider the potential to bring touring productions to the Murwillumbah and Tweed auditoriums.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**13 [CNR-CM] Biofund Koala Connections Project Implementation**

**697**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council approves the expenditure under the Biodiversity Fund Koala Connections project for works on three private properties as listed in the table below:

<b>Name</b>	<b>Area</b>	<b>Details</b>	<b>Cost Estimate (\$ excl. GST)</b>
Bennett	Duranbah	Install 360m of stock fencing to protect plantings Prepare three areas for planting Supply and plant 1300 Koala feed trees Maintain plantings for 12 month period	\$19,920
Kraemer	Duranbah	Prepare planting area Supply and plant 332 Koala feed trees	\$3,984

Name	Area	Details	Cost Estimate (\$ excl. GST)
		Maintain plantings for 12 month period	
Thornton and Maiden	Round Mountain	Prepare planting area Supply and plant 800 Koala feed trees Maintain plantings for 12 month period Undertake bush regeneration in 3ha of koala habitat	\$15,000
		<b>TOTAL</b>	<b>\$38,904</b>

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**14 [CNR-CM] Tweed Heads Civic and Community Centre Proposed Interim Improvements**

**698**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council notes the update on the Tweed Heads Civic and Community Centre Proposed Interim Improvements incorporating the provision of expanded library space, community meeting space and Council offices at Tweed Heads.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**LATE ITEM**

**699**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Item a14 [CNR-CM] Memorandum of Understanding - Northern Community Support Alliance being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**a14 [CNR-CM] Memorandum of Understanding - Northern Community Support Alliance**

**700**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that the draft Northern Community Support Alliance Memorandum of Understanding be adopted, executed and forwarded to the Northern Community Support Alliance for implementation.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**15 [E-CM] Road Naming - Laneway at Pottsville**

**701**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Council:

1. Advertises its intention to name the proposed rear lane adjacent to Coronation Avenue at Pottsville as Berkleys Lane, allowing 28 days for submissions or objections to the proposal.
2. Notifies the relevant authorities under the provisions of the Roads Regulation 2008.
3. Advises the intention to name the proposed rear lane adjacent to Coronation Avenue to the Aboriginal Advisory Committee.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**16 [E-CM] Restriction on Use of Land - Piggabeen Road, Cobaki**

**702**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that all documents relating to the Restriction on the Use of Land within Lot 1 DP 772296 be signed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**17 [E-CM] Road Closure Application - Urliup Road, Urliup**

**703**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that:

1. Council approves the closure of a section of Urliup Road adjacent to Lot 7 in DP 871861
2. The applicants bear all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**18 [E-CM] EC2014-161 - Disposal of Council Land at Burringbar - Lot 6 DP 868345**

**704**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that:

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1. Council approves the recommendations as made in the Tender Evaluation Report for EC2014-161 - Disposal of Lot 6 DP 868345, Burringbar; and
2. All documentation to complete the sale of the land are executed under the Common Seal of Council.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## 19 [E-CM] Coal Seam Gas - Legal Advice

705

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

**RESOLVED** that:

- 1.1 Council identifies all Council owned land that is considered to be "protected" by section 72 of the *Petroleum (Onshore) Act 1991* (NSW), being
    - Land containing a dwelling house, garden, vineyard, or orchard;
    - Land containing 'improvements' such as substantial buildings, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work of structure.
  - 1.2 Council will not consent to any prospecting or mining licences occurring on the land identified as 'protected'.
  - 1.3 Council identifies all Council owned or controlled land which are 'exempted areas' under section 70 of the *Petroleum (Onshore) Act 1991* and adopts a position that Council opposes the Minister granting consent for exploration or production of CSG within these areas.
  - 1.4 If an exploration licence is granted for CSG activities over Council owned land, Council seeks to negotiate an access arrangement which will limit the activities of the CSG Company.
  - 1.5 Council prepares submissions to the NSW Department of Planning opposing development applications for CSG activities (where the development is State Significant Development) and to the Minister for Energy and Resources opposing the grant of petroleum titles.
  - 1.6 Council prepares a policy on CSG which Council may have regard to when considering likely impacts of CSG development pursuant to section 79C of the *Petroleum (Onshore) Act 1991* when Council is the consent authority for any CSG development.
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This policy must express that the policy will not fetter Council's discretion to assess any development application on its merits.

- 1.7 Council notify the NSW State Government in writing of Council's opposition to CSG exploration and production.
  - 1.8 Council advises the community through the Tweed Link of any applications for mining licences advertised in the NSW Government Gazette.
2. 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 - Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland, Cr G Bagnall***

***AGAINST VOTE - Cr P Youngblutt***

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**20 [E-CM] Variation of Restriction on Use in SP 79995 - Tweed Ultima, Wharf Street, Tweed Heads**

**706**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Approves the Variation of Restriction on Use of Land ninthly referred to in SP 79995 affecting Lots 14, 20, 22, 39, 56, 102 and 125 in SP 79995; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**21 [E-CM] Variation of Restrictive Covenant in SP 79995 - Tweed Ultima, Wharf Street, Tweed Heads**

**707**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Approves the Variation of Restriction on Use of Land ninthly referred to in SP 79995 affecting Lots 24, 55, 112, 118, 119, 130 and 132 in SP 79995; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**22 [E-CM] Assignment of Sub-Licence to Use Road Reserve - Riverside Drive, Tumbulgum**

**708**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council:

1. Approves entering into a Sub-Licence Agreement with Frisson Pty Ltd and Cabacom Pty Ltd for the non-exclusive occupation of Riverside Drive, Tumbulgum;
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**23 [E-CM] Disposal of Council Land - Lundberg Drive, South Murwillumbah**

**709**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that:

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1. Council approves the sale of Lot 1 in DP 1139059 and Lot 1 in DP 1156966 at Lundberg Drive, South Murwillumbah to the Murwillumbah Pistol Club by private treaty in special circumstances in accordance with Council's Disposal of Land Policy for the amount determined by valuation; and
2. Execute all documentation under the Common Seal of Council.
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**

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## **24 [E-CM] Impact of Water Industry Competition Act on Servicing Development**

**710**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council:

1. Develop a long term financial plan based on an affordable capital works program to service all development.
2. Advise developers of land for which development consent has been granted, that Council cannot continue to invest in planning for or construction of infrastructure to service the development without a commitment that the development will be serviced by Council and then seeking that commitment.
3. Advise the developer/landowner of zoned land for which development consent has not been granted:
  - a. When Council could service the land.
  - b. That Council within Conditions of Consent granted for the development will include a requirement for a commitment from the developer/landowner on how the land is to be serviced as a prerequisite to any further investment by Council.
4. Advise the developer/landowner of land to be rezoned:
  - a. When Council could service the land.
  - b. That Council under existing instruments will require the developer/landowner to advise Council how the land is to be serviced.



- c. That Council as part of the rezoning will require a binding commitment from the developer/landowner on how the land is to be serviced as a prerequisite to any further investment by Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**25 [E-CM] EC2014-143 Supply of One (1) Tool Carrier Loader complete with Attachments, Operating Capacity 4,000Kg>5,000Kg.**

711

**Cr M Armstrong  
Cr K Milne**

**RESOLVED:**

1. That Council awards the contract for Supply of One (1) Tool Carrier Loader with Attachments – Operating Capacity 4,000Kg>5,000Kg as per Contract EC2014-143 to Komatsu Australia for the amount of \$241,014 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations 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***

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**26 [E-CM] EC2012-243 Supply of Manual Traffic Control Teams for Council Works - Contract Extension**

712

**Cr M Armstrong  
Cr K Milne**

**RESOLVED that:**

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1. Council accepts the revised contract rates from JHA Recruitment and Staff and approves the contract extension of EC2012-243 Supply of Manual Traffic Control Teams for Council Works for the period 1 January 2015 until 31 December 2015.
2. 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***

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## **LATE ITEM**

**713**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Items a26 [E-CM] Bridge Replacement on Mistral Road over Dunbible Creek - Anthonys Bridge Council Agenda Master - 11 December 2014 and b26 [E-CM] Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0 Council Agenda Master - 11 December 2014 being Addendum items be dealt with and they be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a26 [E-CM] Bridge Replacement on Mistral Road over Dunbible Creek - Anthonys Bridge**

**714**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council:

1. Temporarily closes Mistral Road during the replacement of Anthonys Bridge.
2. Includes a cycleway on the downstream side of the new Anthonys Bridge at a cost of \$150,000 in the 2015/16 budget.
3. Undertakes pavement rehabilitation on 5 sections of Stokers Road and 1 Section of Bakers Road before the Anthonys Bridge replacement commences and funds the

\$1,586,000 required to complete these works by adjusting the current roads programs in the December 2014 budget review.

4. Officers initiate the process of formally naming the bridge in accordance with Council policy.
5. ATTACHMENT 2 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***

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**b26 [E-CM] Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0**

**715**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council adopts the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**27 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 1.8**

**716**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council in accordance with Section 252(1) of the Local Government Act 1993 adopts the Councillors - Payment of Expenses and provision of Facilities for Mayor and Councillors Policy, Version 1.8.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**28 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 30 November 2014**

This item was dealt with at Minute No 718.

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**LATE ITEM**

**717**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Item a28 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 30 November 2014 Council Agenda Master - 11 December 2014 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a28 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 30 November 2014**

**718**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 November 2014 totalling \$207,115,818 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**ORDERS OF THE DAY**

**29 [NOM] Review of Cemeteries and Burials Policy**

**719**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council reviews the Cemeteries and Burials Policy to ensure that the existing children's sections within the cemeteries are retained as children's sections in perpetuity and are managed with a heightened level of empathy reflecting the needs of grieving families.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**30 [NOM] Public Meeting - One Way Section of Marine Parade, Kingscliff**

**720**

**Cr G Bagnall  
Cr M Armstrong**

**PROPOSED** that Council hold a public meeting to discuss the one way section of Marine Parade, with the view to informing the public and exploring options for improvement.

The Motion 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***

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**31 [NOM] Rail Trail**

**721**

**Cr G Bagnall  
Cr M Armstrong**

**PROPOSED** that the Mayor writes to the state members, Thomas George and Geoff Provest requesting, in lieu of the pre 2010 promise of \$100,000,000 to bring back the trains, and in the lead up to the 2015 state election, these members give specific, iron clad funding commitments in support of the commencement of building the rail trail in the Tweed.

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**AMENDMENT 1**

**722**

**Cr B Longland  
Cr P Youngblutt**

**RESOLVED** that the Mayor writes to the State Members, Thomas George and Geoff Provest, seeking their continued support for the building of a Rail Trail along the disused Murwillumbah to Casino rail corridor in the context of the upcoming State elections.

Amendment 1 was **Carried**

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

Amendment 1 became the motion (Minute No 722 refers)

**AMENDMENT 2**

**723**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that the Mayor writes to the state members, Thomas George and Geoff Provest and other local candidates of all major political parties to seek a commitment for a feasibility study into light rail.

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***

Amendment 1 on becoming the Motion was **Carried** - (Minute No 722 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***

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**32 [NOM] Mayoral Mentor**

**724**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Council engages as early as possible in 2015, an educator and approved 'mayoral mentor' from Local Government NSW or a similar appropriate service provider to attend Tweed Shire Council to refresh the knowledge of all councillors with respect to the expected behaviour and role of a Councillor and Mayor under the Local Government Act, and applicable Tweed Shire Council policies and procedures.

The Motion was **Carried**

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

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.41pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 7.30pm.

### **33 [NOM] Future of Fossil Fuels - Workshop**

**725**

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

**RESOLVED** that this item be deferred to allow the General Manager to seek a cost for Dr Simon Michaux, Senior Research Fellow at the University of Queensland, to address a workshop with Councillors, the executive Management Team and relevant staff on:

- a) The future of fossil fuels;
- b) Potential impacts for Council and the Shire; and
- c) Recommendations for Council.

The Motion was **Carried**

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

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### **34 [NOM] Forestry in the Tweed Shire**

**726**

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

**PROPOSED** that Council brings forward a report on the situation of Private Native Forestry and State Forestry in the Tweed Shire, including but not limited to:

- a) Areas already having gained Forestry approval in the Shire and any applications currently in process;
- b) Any concerns about the current approvals processes such as inadequate or outdated mapping, lack of on ground assessments, or consultation etc;
- c) Potential impacts on environmental values and wildlife corridors, and Aboriginal or World Heritage values;
- d) The appropriateness of Forestry for this Shire; and
- e) Options that Council could recommend to the State Government in regard to Forestry in the Tweed Shire.

The Motion 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**

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## QUESTION ON NOTICE

### 35 [QoN-Cr Milne] Pottsville Men's Shed

Councillor K Milne asked:

Can Council advise, since it resolved to support further investigation of alternative sites:

- a) What actions have been taken in regard to investigation of alternative sites for the Pottsville Men's Shed?
- b) The potential and suitability of a Men's Shed at the Barry Sheppard Sportsfield?

The General Manager will be tabling a Confidential Memo and related attachment (which will be included in the Confidential Minutes) under Section 10A2(d)(i) of the Local Government Act 1993:

- (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 General Manager responded to part a):

- a) The primary action taken in this respect was to identify a site that could be used in the longer term and that would be in the context of like-minded enterprises, whilst still relatively close to the Pottsville CBD and one which would provide amenity for the men involved in the Men's Shed support group. In this regard, Council's Strategic Planning and Urban Design Unit identified the proposed Dunloe Park Industrial Estate as a suitable option. Council officers approached the proponent of the site with the



concept, who at his own cost, amended the concept design plan configuration, which would have provided a suitable site to accommodate the Men's Shed. The General Manager met with the proponents of the Men's Shed who were amenable to the concept. Accordingly, the tabled Confidential memo and related attachment under s10A2(d)(i) - which involved commercial information of a confidential nature was distributed to Councillors at a workshop on 25 September 2014 to ascertain their support or otherwise for the concept. Given the cost that would be borne by the ratepayers in securing the parcel by way of not having the 9.72 hectares adjacent to the development site rehabilitated with Koala food trees, the concept did not receive anecdotal support from the elected body at the workshop.

Another site further explored was the former Camp Wollumbin Scout Hall at Cabarita Lakes. This site has highly significant environmental constraints, including Category 1 bush fire risk, cultural heritage values (Indigenous and European), presence of protected flora and fauna, Very High Ecological Status and High Ecological Sensitivity.

Further, the purpose or reservation of the site including permissible uses under the LEP, precludes the site. In more detail, Camp Wollumbin is situated on two parcels of land, being Lots 496 and 497 DP 721310. These lands are reserved for the purpose of Public Recreation as reserves R83495 and R89580. In total the land area is approximately 2 hectares. Lot 496 is under the control of the Camp Wollumbin Reserve Trust and Lot 497 is Crown Land under State control. It is understood that when scouting activity took place both lots were used. Previous advice on this matter from Council's Director of Planning and Regulation has confirmed that a 'mens shed' facility would be prohibited on the Camp Wollumbin site, under both the provisions of the new Tweed LEP 2014 as well as the former LEP 2000. This advice has been confirmed by Mr Kevin Cameron, Regional Manager of Crown Lands. Due to its environmental zoning Lot 496 and part of Lot 497 were deferred from LEP 2014 and consequently the previous zoning and planning controls, being 7(l) under LEP 2000 prevails. It is likely that any revision of the LEP controls arising from the State Government's study on environmental zones in the North Coast is likely to take a considerable time to resolve.

Lot 496 is zoned 7(l) Environmental Protection - Habitat and Lot 497 is zoned 7(l) and E1 National Parks and Nature Reserves. The proposed development of a 'mens shed' would be defined as a community building under the provisions of Tweed LEP 2000 and a community facility under the provisions of Tweed LEP 2014. It follows that a 'mens shed' is a prohibited use under either LEP.

As previously mentioned, there are other significant environmental planning constraints which will impact on any development of this land in the future. Specifically, the site is located within a 100m buffer area of a gazetted SEPP 26 Littoral Rainforest. There has been previous correspondence from National Parks and Wildlife identifying that there have been recorded instances of threatened species on the site. These include Koalas and Blossom Bats. The site is heavily vegetated, to the extent that it is classified as Category 1, which is the highest category of risk under the Bush Fire Prone Land 2012.

Given that officers have not been able to identify an alternative site that meets the support of the elected body, they are proceeding with the resolutions of Council dated 21 August 2014 and 16 October 2014 and are proceeding to prepare a DA for the

Men's Shed at Black Rocks sports field. A further workshop will be held with Councillors prior to the DA being lodged.

The Director Community and Natural Resources responded to part b):

- b) The option of utilising the Barry Sheppard Sports field was tabled as an option with the Men's Shed representatives in previous discussions but rejected as the location was considered too distant from their members.

The Tweed Coast Tigers Australian Rules Football Club (the club) utilise Barry Sheppard Sports Field as their home ground and, in conjunction with Council have developed a Master Plan for the site to cater for their growth and long term development at the site. The club has commenced development of the facility in line with the master plan in partnership with AFL Queensland and Council. The Master Plan does not currently allow room for a Men's Shed, but the Club has indicated that if there were no other options available for the organisation they would be willing to revisit the Master Plan.

The zoning under the LEP and the classification under the Local Government Act are the same as the proposed facility at Black Rocks Sports Field and therefore the same approval pathway would be applicable.

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## DELEGATE REPORTS

Nil.

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 36 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2014

727

Cr M Armstrong  
Cr P Youngblutt

**RESOLVED** that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

### **A4. Seagrass Beds at Lilies Island**

1. That:

1. The health of the Lilies Island seagrass beds be used as a case study in the proposed Coastal Zone Management Plan.
  2. The issue of the health of seagrass beds at Chinderah be raised with the Water Unit and officers responsible for stormwater management within Council's Engineering Division.
2. That the Tweed River Committee be advised of the current status of the Murwillumbah Wastewater Treatment Plant and the potential to improve quality of effluent from this facility, as well as the potential impacts of effluent discharge from this facility on estuary water quality.

#### **A5. Duroby Creek**

That Council writes to the Minister for Fisheries requesting that marine vegetation on private land be protected under legislation from grazing and similar activities. This letter should include the example of the Duroby Creek site, with photos and explain works undertaken and offers made by Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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#### **37 [SUB-ACC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 2014**

**728**

**Cr M Armstrong  
Cr P Youngblutt**

**PROPOSED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

#### **A2. Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)**

That Council notes the Aboriginal Advisory Committee request for a co-funded identified Aboriginal Environmental Health Officer position within Council's Building and Environment Health Unit, and takes no action.

## **AMENDMENT 1**

**729**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A2. Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)**

That Council notes the Aboriginal Advisory Committee's request for a co-funded identified Aboriginal Environmental Health Officer position within Council's Building and Environment Health Unit, and brings back a report to Council and the Aboriginal Advisory Committee on the matter.

Amendment 1 was **Lost**

**FOR VOTE - Cr K Milne**

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

## **AMENDMENT 2**

**730**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A2. Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)**

That Council notes the Aboriginal Advisory Committee request for a co-funded identified Aboriginal Environmental Health Officer position within Council's Building and Environment Health Unit.

Amendment 2 was **Carried**

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

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

Amendment 2 on becoming the Motion was **Carried** - (Minute No 730 refers)

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

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

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## **LATE ITEM**

**731**

**Cr M Armstrong**

**Cr P Youngblutt**

**RESOLVED** that Item a37 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 5 December 2014 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**a37 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 5 December 2014**

**732**

**Cr M Armstrong**

**Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Floodplain Management Committee Meeting held 5 December 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

### **Agenda Items:**

#### **1. Committee Membership**

That Andy Yeomans replaces Sam Dawson as the representative of the Caldera Environment Centre on the Floodplain Management Committee, effective immediately.

## 2. Review of Flood Controls for Short Term Caravan Park Accommodation

That the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0 be adopted by Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## CONFIDENTIAL COMMITTEE

733

**Cr G Bagnall**

**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 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:-

## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

#### aC1 [GM-CM] Local Land Pilot - Crown Land

#### REASON FOR CONFIDENTIALITY:

This report relates to Council's participation in a pilot project with NSW State Government and requires confidentiality between the parties

#### 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: -

- (f) matters affecting the security of the council, councillors, council staff or council property.
-

**C 50**

That Council:

1. Approves the participation of Tweed Shire Council in the Local Land Pilot and entering into a Memorandum of Understanding and Confidentiality Agreement with NSW Trade & Investment.
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE**

**C1 [E-CM] Council Land Review**

**REASON FOR CONFIDENTIALITY:**

This report deals with the management and disposal of Council land that may have commercial implications

**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 51**

That Council adopts Option 1 as set out in the report.

The Motion was **Carried** (Minute No. C51 refers).

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

***AGAINST VOTE - Cr K Milne***

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## **C2 [E-CM] S64 Developer Charges and Lord Linen Service**

### **REASON FOR CONFIDENTIALITY:**

Commercial matters between Council and a proponent.

### **Local Government Act**

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

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

### **C 54**

That Council:

1. Undertakes a review of options to mitigate the impact of s64 Developer Charges on developers including options to reduce up front charges and provide deferred payment of charges.
2. Considers the requirement to recover s64 Developer Charges from developments prior to 22 February 2014 as part of the Strategic Business Planning process.
3. Develops a single overarching policy to address the application of water and sewerage charges for all developments including Crown Developments.
4. Advise Planning NSW, NSW Office of Water and the Building Professionals Board that there is no trigger to capture Exempt Developments such that developers fulfil their obligations under the Water Management Act and to seek amendments to the Environmental Planning and Assessment Act 1979 and/or State Environmental Planning Policies to provide such a trigger.
5. Defer a decision of the levying of s64 Developer Charges on Lord Linen Services until Items 1 and 2 above are determined.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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734

**Cr G Bagnall**  
**Cr M Armstrong**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

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There being no further business the Meeting terminated at 8.27pm.



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**

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