



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

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

Minutes

Ordinary Council Meeting Thursday 15 May 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 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 (General Manager), Mr Neil Baldwin (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Peter Brack (Corporate Compliance 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 Murwillumbah Presbyterian Church.

We bow before you, Creator God, our Father in heaven

Your holy scriptures tell us,

Psalm 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 give us breathe to live and a creation that sustains a rich diversity of life.
In this world we have the power to work and leisure to rest.*

We ask you watch over those appointed to exercise good government for us. Help our civic leaders serve the public with courage and skill. Not for personal gain but for the wider welfare and care of our community and environment.

We know this job is not easy. Grant wisdom to the members of this chamber. Help them govern so that benefit will flow broadly and deeply to our community. Help them govern with equity and justice for all whether big or small.

Enable us also to be a community that is energetic in our civil service. Help us to have a robust respect for the leadership of this council and 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 Minutes of the Ordinary and Confidential Council Meetings held Thursday 10 April 2014 and Thursday 1 May 2014

258

Cr M Armstrong
Cr C Byrne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 10 April 2014 be adopted as a true and accurate record of proceedings of that meeting.
2. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 1 May 2014 be adopted as a true and accurate record of the proceedings of that meeting.
3. ATTACHMENTS 2 and 4 are 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

Mr Troy Green declared a non-pecuniary non-significant interest in Item 10 [CNR-CM] Park Naming at Terranora - "Betty Judd Park" of the Ordinary Agenda and Item C1 [CNR-CM] Naming of Avenue of Pines at Terranora the "Terranora Memorial Avenue of Pines" of the Confidential Agenda. The nature of Mr Green's interest is that he lives adjacent to the locations the subject of these items. Mr Green will manage this interest by leaving the chambers while these items are discussed.

Cr C Byrne declared a non-pecuniary non-significant interest in Item 28 [NOR] Further Vandalism of Dune Vegetation along Kingscliff Beach Foreshore and Item 29 [NOM] Vandalism of Dune Vegetation along Foreshore at Kingscliff Beach of the Ordinary Agenda. The nature of Cr Byrne's interest is that she lives in the vicinity. Cr Byrne will manage this interest by leaving the chambers and taking no part in the discussion or voting on these items.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR-CM] Schedule of Outstanding Resolutions

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

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for April 2014

259

Cr B Longland

RESOLVED that the Mayoral Minute for the month of April 2014 be received and noted with the addition of Cr C Byrne also being in attendance on 15 April 2014 at the Kingscliff Visitor Information Centre Opening Kingscliff Community Hall, Marine Parade Kingscliff

The Motion was **Carried**

FOR VOTE - Unanimous

a3 [MM-CM] Attendance at Conference

260

**Cr B Longland
Cr P Youngblutt**

RESOLVED that, in order to take advantage of the early bird registration which closes on 26 May 2014, Cr G Bagnall and Cr K Milne be authorised to attend the 7th Making Cities Liveable Conference 2014 to be held at Mantra on Salt, Kingscliff on 9-11 July 2014.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [MM-CM] Mayoral Minute - Alternate Delegate for Arts Northern Rivers

261

Cr B Longland

RESOLVED that Council appoints the Manager Community and Cultural Services as an additional alternate delegate to represent Tweed Shire Council on the Board of Arts Northern Rivers.

The Motion was **Carried**

FOR VOTE - Unanimous

5 [MM-CM] Mayoral Minute - Coal Seam Gas and other Unconventional Gas Mining Operations

262

Cr B Longland

RESOLVED that this Mayoral Minute dealing with Coal Seam Gas and other Unconventional Gas Mining Operations be received and noted.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Youngblutt

RECEIPT OF PETITIONS

6 [ROP] Receipt of Petitions

263

**Cr B Longland
Cr M Armstrong**

RESOLVED that the following petitions be received and noted:

- A petition of 101 residents of the Tweed opposing the renaming of Kirkwood Road West was provided by Cr M Armstrong.
- A petition relating to community concerns to the signage along Marine Parade, Kingscliff containing 200+ signatures was tabled by Cr B Longland.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

LATE ITEM

264

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Item a6 [GM-CM] Business Investment Policy - Stone and Wood 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

a6 [GM-CM] Business Investment Policy - Stone and Wood

265

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Council executes the deferred payment agreement with Stone and Wood Brewery under the common seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

Nil.

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

7 [CNR-CM] The State of Salt Marsh in Tweed Shire

266

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council:

1. Receives and notes the report on state of salt marsh in Tweed Shire
2. Undertakes an audit of foreshore road reserves with the aim of identifying unprotected marine vegetation and undertake works to exclude cattle from these areas.
3. Identifies and map areas of the foreshore that may be suitable for salt marsh colonisation under the influence of sea level rise.

267

AMENDMENT

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that the report on state of salt marsh in Tweed Shire be received and noted.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 266 refers)

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

8 [CNR-CM] River Health Grants

268

Cr G Bagnall
Cr W Polglase

RESOLVED that Council approves the following River Health Grants:

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Brown	Tygalgah	120	Stabilise cane drain bank to improve water quality in downstream natural waterways.	\$4,000
Riley	Blue Knob	600	Undertake primary weed control and promote riparian rainforest regeneration in upper Tweed catchment.	\$8,000

The Motion was **Carried**

FOR VOTE - Unanimous

9 [CNR-CM] Biofund Koala Connections Project Implementation

269

Cr G Bagnall
Cr W Polglase

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

Name	Area	Details	Cost Estimate (\$ excl. GST)
Frost	Sleepy Hollow	Plant 150 trees Fencing 285 metres	\$6,075
Border	Sleepy Hollow	Plant 250 trees Fencing 360 metres	\$8,400
TOTAL			\$14,475

The Motion was **Carried**

FOR VOTE - Unanimous

10 [CNR-CM] Park Naming at Terranora - "Betty Judd Park"

DECLARATION OF INTEREST

Mr Troy Green declared a non-pecuniary non-significant interest in this item. The nature of Mr Green's interest is that he lives adjacent to the location the subject of this item. Mr Green will manage this interest by leaving the chambers while this item is discussed.

270

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council names the park located on the corner of Terranora Road and Sunnycrest Drive (Azure Estate) Terranora the "Betty Judd Park" and erects signage.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [CNR-CM] Affordable Entry to Tweed Aquatic Centres for People with Permanent and Temporary Disabilities Trial

271

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council:

1. Notes the Report on the results of the trial of affordable entry to Tweed Aquatic Centres for people with permanent or temporary disability; and
2. Approves an extension of the trial for a further six months during the summer season 2014-2015 funded from the Access Reserve.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [CNR-CM] Funding Agreement for Knox Park Youth Precinct

272

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council:

1. Accepts the funding of \$500,000 for the Knox Park Youth Precinct from the Department of Infrastructure and Regional Development.
2. Votes the expenditure and authorises the General Manager or delegate to execute the funding contract.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [CNR-CM] Community Infrastructure Framework Status Report

273

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council notes this report and the revised time lines for development of the Community Infrastructure Framework.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

14 [E-CM] Dedication of Land as Road - Reserve Creek Road, Kielvale

274

**Cr G Bagnall
Cr W Polglase**

RESOLVED that all necessary documentation relevant to the acquisition and dedication of road of Lots 1- 4 in DP 860666 be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [E-CM] Crown Road Closure - Tyngalga

275

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council does not object to the closure and private purchase of the Crown Road Reserve separating and within Lot 1 DP4106 and Lot 2 DP554898 at Tumbulgum Road, Tyngalga.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [E-CM] Road Naming - Palmvale

276

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council:

1. Advertises its intention to name the road that runs off Palmvale Road at Palmvale as "Bucks Lane" allowing one month for submissions on the proposal.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.

The Motion was **Carried**

FOR VOTE - Unanimous

**17 [E-CM] EC2014-049 Supply of Three (3) Self Propelled Smooth Drum Rollers
CCF Class 12.5**

277

**Cr G Bagnall
Cr W Polglase**

RESOLVED that:

1. As Council tender EC2014-049 called for the supply of two standard vibratory rollers and one oscillation vibratory roller, Council awards the contract to multiple suppliers in
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order to get best value for money and remain in compliance with Council's Technical Specification requirements of the contract document.

2. Council awards the contract for Supply of Two (2) Standard Vibratory Type Self Propelled Smooth Drum Rollers CCF Class 12.5 and the Trade in offer of Council's 3 x current roller units as per Contract EC2014-049 to Conplant Pty Ltd for the amount of \$141,480 (exclusive of GST).
3. Council awards the contract for Supply of One (1) Oscillation Vibration Type Self Propelled Smooth Drum Roller CCF Class 12.5 as per contract EC2014-049 to Wirtgen Australia
4. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
5. 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

18 [E-CM] EC2014-042 Supply of Ready Mixed Concrete

278

**Cr G Bagnall
Cr W Polglase**

RESOLVED that:

1. Council accepts the tender from Boral Construction Materials (Area 1) and Brims Concrete (Areas 2 and 3) for the supply of Ready Mixed Concrete for the period 1 July 2014 until 30 June 2015 for tender EC2014-042 Annual Supply of Ready Mixed Concrete.
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.

3. ATTACHMENTS 1 to 4 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [E-CM] EQ2014-004 Supply of Industrial Clothing and Footwear

279

**Cr G Bagnall
Cr W Polglase**

RESOLVED that:

1. Council awards the contract EQ2014-004 Supply of Industrial Clothing and Footwear to Armstrong's Store for a twelve month period with a further possible two by twelve month extension options.
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [E-CM] EC2014-053 Provision of Specialist Museum Standard Display Units

280

**Cr G Bagnall
Cr W Polglase**

RESOLVED that:

1. Council awards Tender EC2014-053 for the Provision of Specialist Museum Standard Display Units for the Murwillumbah Historic Museum to Tashco Systems Pty Ltd for the amount of \$189,181.82 (exclusive of GST).
2. The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.
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

21 [E-CM] EC2014-048 Supply and Laying of Asphalt Resurfacings

281

**Cr G Bagnall
Cr W Polglase**

RESOLVED that:

1. The tender from East Coast Asphalt & Concrete Edging Pty Ltd be accepted to the value of \$663,857.40 exclusive of GST for tender EC2014-048 Supply and Laying of Asphalt Resurfacings.
2. The General Manager be given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
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

22 [E-CM] Anthonys Bridge Replacement, Mistral Road, Dunbible

282

**Cr G Bagnall
Cr W Polglase**

RESOLVED that:

1. The replacement of Anthonys Bridge on Mistral Road be delayed for 12 months with proposed funding provided over the 2015/2016 and 2016/2017 budgets.
2. The replacement of two unnamed bridges on Bartletts Lane be brought forward 12 months and funded by the rollover of the 2014/2015 budget allocation for Anthonys Bridge.
3. Council indicates its intention to temporarily close Mistral Road at the Stokers Road intersection during the replacement of Anthonys Bridge and seek community feedback on the effects of the temporary closure.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [E-CM] Adoption of Tweed Development Control Plan Section A2 - Site Access and Parking Code (Version 2)

283

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council:

1. Endorses the Tweed Development Control Plan Section A2 - Site Access and Parking Code (Version 2), as amended, and provided as an attachment to this report.
2. Endorses the public notice of the adoption of Tweed Development Control Plan Section A2 - Site Access and Parking Code (Version 2) in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
3. Forwards a copy of Tweed Development Control Plan Section A2 - Site Access and Parking Code (Version 2) to the Director-General of the NSW Department of Planning and Infrastructure in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [E-CM] Sponsorship of the 2014 Northern Rivers Science and Engineering Challenge

284

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council becomes a Bronze Sponsor of the 2014 Northern Rivers Science and Engineering Challenge hosted by Southern Cross University, Lismore.

The Motion was **Carried**

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

REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES

25 [CS-CM] Quarterly Budget Review - March 2014

285

**Cr G Bagnall
Cr W Polglase**

RESOLVED that the:

1. Quarterly Budget Review Statement as at 31 March 2014 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2014:

Description	Change to Vote	
	Deficit	Surplus
General Fund		
Expenses		
Employee costs	72,500	0
Materials & Contracts	34,632	0
Interest	0	0
Other Operating costs	0	72,500
Capital	90,074	0
Loan Repayments	0	0

Description	Change to Vote	
Transfers to Reserves	165,700	0
	362,906	72,500

Income

Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	140,442
Capital Grants & Conts	58,536	0
User Charges & Fees	0	37,500
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	0
Asset Sales	0	171,000
	58,536	348,942

Net Surplus/(Deficit) 0

Sewer Fund

Expenses

Employee costs	0	0
Materials & Contracts	96,250	0
Interest	0	0
Other Operating costs	0	0
Capital	0	2,273,500
Loan Repayments	0	0
Transfers to Reserves	963,483	0
	1,059,733	2,273,500

Income

Rates and Annual Charges	0	0
Interest revenue	0	180,983
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	752,250	0
Transfers from Reserves	642,500	0
Asset Sales	0	0
	1,394,750	180,983

Net Surplus/(Deficit) 0

Water Fund

Expenses

Employee costs	0	0
Materials & Contracts	0	358,750
Interest	0	0
Other Operating costs	0	0
Capital	8,000	0
Loan Repayments	0	0
Transfers to Reserves	382,603	0

Description	Change to Vote	
	390,603	358,750
Income		
Rates and Annual Charges	0	0
Interest revenue	0	29,157
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	2,696
Asset Sales	0	0
	0	31,853
Net Surplus/(Deficit)		0

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CS-CM] Corporate Quarterly Report - 1 January to 31 March 2014

286

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council endorses the Corporate Quarterly Report as at 31 March 2014.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [CS-CM] Monthly Investment and Section 94 Contributions Report for Period Ending 30 April 2014

287

**Cr G Bagnall
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 April 2014 totalling \$168,664,027 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

28 [NOR] Further Vandalism of Dune Vegetation along Kingscliff Beach Foreshore

DECLARATION OF INTEREST

Cr C Byrne declared a non-pecuniary non-significant interest in this item. The nature of Cr Byrne's interest is that she lives in the vicinity. Cr Byrne will manage this interest by leaving the chambers and taking no part in the discussion or voting.

Cr C Byrne has temporarily left the meeting at 05:42 PM.

NOTICE OF RESCISSION:

288

Cr W Polglase
Cr P Youngblutt

PROPOSED that Council resolution from the Meeting held on Thursday 20 March 2014 for Item Number 18 at Minute No 154 being:

" *that Council:*

1. *Erects signs (size 3m by 2.4m) immediately landward of the dunes at suitable intervals along the middle of Kingscliff Beach foreshore with appropriate text stating that dune vegetation had been vandalised and to encourage reporting of this or future vandalism;*
2. *Undertakes restoration works in the vandalised area including additional tree planting in conjunction with the local DuneCare group; and*
3. *Undertakes random inspections of the site for a period of three (3) months and continues ongoing monitoring of the area."*

be rescinded.

The Motion was **Lost**

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

The Motion was Lost on the Casting Vote of the Mayor.

29 [NOM] Vandalism of Dune Vegetation along Foreshore at Kingscliff Beach

DECLARATION OF INTEREST

Cr C Byrne declared a non-pecuniary non-significant interest in this item. The nature of Cr Byrne's interest is that she lives in the vicinity. Cr Byrne will manage this interest by leaving the chambers and taking no part in the discussion or voting.

This Motion was withdrawn at the meeting.

Cr C Byrne has returned from temporary absence at 06:05 PM

30 [NOM] Camphor Laurel Management - Condong Co-generation Plant Feedback

NOTICE OF MOTION:

289

**Cr P Youngblutt
Cr G Bagnall**

RESOLVED that Council reports on options for appropriate camphor laurel removal for the Condong co-generation plant, in consultation with Cape Byron Power, the Environment Protection Authority, and Far North Coast Weeds, and in light of the decision of Far North Coast Weeds to withdraw from the approval process, changes to Council's Local Environmental Plan and the Protection of the Environment Operations Regulation.

The Motion 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***

31 [NOM] Tree Vandalism Policy

NOTICE OF MOTION:

290

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council officers prepare a report for Council's consideration on the forming of a "Tree Vandalism Policy" for the Tweed Shire

The Motion was **Carried**

FOR VOTE - Unanimous

32 [NOM] Environmental Vandalism

NOTICE OF MOTION:

291

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council conducts a workshop on the various types of environmental vandalism experienced in the Tweed Shire. Such a workshop will include, but not be limited to:

- the main types of vandalism of concern in this Shire;
- what other councils and Tweed Shire Council do to address these problems; and
- what further measures could be undertaken to deter such acts.

The Motion was **Carried**

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

33 [NOM] Tree Health Assessment Standards and Policy

NOTICE OF MOTION:

292

**Cr K Milne
Cr M Armstrong**

PROPOSED that Council brings forward a report that:

1. Identifies existing best practice standards for tree health, hazard and risk assessment reports;
 2. Compares current Council requirements for tree health, hazard and risk assessment reports with best practice standards for tree health assessment reports; and
-

3. Considers whether existing Council requirements for tree health, hazard and risk assessment reports could be improved.

293

AMENDMENT

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council undertakes a workshop to:

1. Identify existing best practice standards for tree health, hazard and risk assessment reports;
2. Compare current Council requirements for tree health, hazard and risk assessment reports with best practice standards for tree health assessment reports; and
3. Consider whether existing Council requirements for tree health, hazard and risk assessment reports could be improved.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 293 refers)

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

34 [NOM] Promoting Culture in the Streets

NOTICE OF MOTION:

294

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council investigates the feasibility of holding or supporting a program of regular free lunchtime concerts in Tweed Heads featuring emerging Tweed musicians and performers and brings a report back to a future Council meeting.

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.38 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.28pm

35 [NOM] Priority for Review of Environmental Carrying Capacity for the Tweed River

NOTICE OF MOTION:

The Motion was withdrawn at the meeting.

36 [NOM] Trans-Pacific Partnership

NOTICE OF MOTION:

295

**Cr K Milne
Cr M Armstrong**

PROPOSED that Council holds a workshop on the Trans-Pacific Partnership Agreement (TPP) and its potential effects on Tweed Shire operations.

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**

QUESTIONS ON NOTICE

37 [QON] Housing Stress in Tweed Shire

QUESTION ON NOTICE:

Councillor M Armstrong asked:

Given the apparent comparatively high level of housing stress, rental stress, and mortgage stress experienced by Tweed residents please advise:

1. The rate of change (either increase or decrease) in the cost of housing in the Tweed over the past ten (10) years as compared to the regional, state, and national averages;
 2. The rate of change (either increase or decrease) in the level of housing stress, rental stress, and mortgage stress experienced by Tweed residents over the past ten (10) years as compared to the Regional, State, and National averages;
 3. The supply of residential property (for either purchase or rent) for low socio-economic families and households;
 4. The average wait time for people seeking housing through public housing; and
 5. The rate of change (either increase or decrease) in average household income as compared to the regional, state, and national averages
-

The General Manager responded as follows:

Housing Stress is defined as per the NATSEM (National Centre for Social and Economic Modelling) model as households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs.

Housing affordability is a significant issue if mortgage and rent payments rapidly increase as a share of income. While stress can be highly dependent on individual circumstances, using Census data to analyse this provides a good overview of the problems, and highlights any areas in Tweed Shire where households may be having problems meeting their commitments.

Officers have prepared a detailed analysis and is tabled for information. Copies have also been uploaded to Councillors iPads. The analysis addresses all four aspects of the Question on Notice, however a summary of each is provided as follows:

1. According to research conducted by Council staff, house sales within the Tweed local government area have increased by 25% from December 2003 to September 2013. This is in contrast to Kyogle which has experienced an increase of 88%, Richmond Valley 61% and 43% in Lismore local government areas (LGA). It is important to note that during this period, the market did peak in 2009 at a median house price of \$445,000 (an increase of 43%) and then declined to its current level of \$390,000 (a decrease of 12% from 2009). The property market downturn which commenced in 2008, and is only now seeing signs of recovery, has been the cause of this slow growth across the entire housing market.

The Tweed housing market was already relatively mature by 2003 and has not experienced significant price growth over the past ten years compared to more regional areas. The median house sale price in the Tweed for September 2013 was \$390,000. This is well above Kyogle, Richmond and Lismore LGAs but still not as high as Ballina and Byron. For this same period the NSW median sale was \$480,000 and the regional NSW (all NSW excluding urban Sydney) median \$307,000.

Whilst the purchase price of housing is one factor, rental is also another factor. During this period median rental prices on 3 bedroom detached dwellings in the Tweed increased by 46% to from \$260 to \$380 per week.

2. 15.3% of households in the Tweed LGA are experiencing housing stress compared to Richmond Tweed at 15.3%, Regional NSW at 11.4% and NSW 11.4%.

16.5% of households in the Tweed LGA are experiencing mortgage stress compared to Richmond Tweed at 16.6%, Regional NSW at 11.4% and NSW 11.5%.

40.0% of households in the Tweed LGA are experiencing rental stress compared to Richmond Tweed at 38.5%, Regional NSW at 29.6% and NSW 26.7%.

This data has been compiled by ID Consulting and is based on the 2011 Census. Currently, there is no historic analysis of these data sets which is available from ID.

Further analysis is provided in the report tabled.

3. On 5 April 2014 Anglicare undertook their annual Rental Affordability Snapshot. The Northern Rivers of NSW was one of the areas surveyed. Their methodology reviewed advertised rental accommodation listings for their suitability for particular socio-economic groups.

According to their research only 9% of the listing within the Tweed Heads area were suitable for a couple earning a minimum wage with two children. There were no listings for any other category of low socio-economic families. This was the second lowest ranking for all of the centres surveyed, second only to Byron Bay. This is in stark contrast to the rest of the Centres which had rentals suitable for most socio-economic categories.

4. Council officers have contacted the Housing Manager for Housing NSW's Northern NSW District asking for a response to this question. To date no response has been received.

The Department identifies that there are 920 houses in the housing stock for Tweed as at September 2013.

According to the North Coast Community Housing joint submission (dated March 2014) to the Senate Standing Committee on Economics Inquiry into Affordable Housing Lismore has a waiting period of up to 10 years for detached house with Mullumbimby seeing waiting times in excess of 10 years.

5. In the Tweed Local Government Area, for couple families with two incomes, the median income for those with children was \$1,878 and those without children was \$1,638.

The Tweed has 32.9% of households in the lowest quintile. That is the lowest quarter of income brackets. This rate has increased by 0.1% between 2011 and 2006. This is compared to 25% of NSW with no growth over the same period. Richmond Tweed has a similar rate to Tweed at 32.7% at 2011."

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

38 [SUB-TRAG] Minutes of the Art Gallery Advisory Committee Meeting held Wednesday 19 February 2014

296

**Cr B Longland
Cr P Youngblutt**

RESOLVED that the Minutes of the Art Gallery Advisory Committee Meeting held Wednesday 19 February 2014 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

39 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 March 2014

297

**Cr B Longland
Cr P Youngblutt**

RESOLVED that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 March 2014 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 9 April 2014

298

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 9 April 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA1. Letter from Minister for Trade & Investment - Dredging

That the Tweed River Committee reconfirms to Council its commitment to the previous resolution that a dredging investigation be undertaken when funds are available.

A3. Proposed Gold Coast Airport Instrument Landing System (ILS)

That Council:

1. *Makes a submission on the major development plan for the proposed instrument landing systems for Gold Coast Airport.*
2. *Requests that the proposal assessment be consistent with relevant NSW legislation.*

The Motion was **Carried**

FOR VOTE - Unanimous

41 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 9 April 2014

299

**Cr B Longland
Cr P Youngblutt**

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 9 April 2014 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 April 2014

300

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

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

O2. Affordable entry to Murwillumbah, Kingscliff and South Tweed aquatic centres for people with permanent or temporary disabilities

That Council approves a continuation of the trial into demand for affordable entry to Tweed Aquatic Centres for a further six months utilising \$14,000 contribution from Access funds.

Council will receive a separate report on the subsidy trial with recommendations.

O10. Lift from multi storey car park in Murwillumbah

That Council explores options for installing additional accessible parking bays (replacing those on the top floor free parking zone) on other levels of the car park or other locations in Murwillumbah.

GB5. Pedestrian access on Megan Street Tweed Heads

That the Traffic Committee investigates traffic and pedestrian issues on Megan Street between Kirkwood Road and Sandra Street intersections and reports back on options for a solution to the Equal Access Advisory Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 10 April 2014

301

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 10 April 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1. Cudgera Avenue, Pottsville

That "No Parking 2.30 to 3.30pm School Days" be installed on the northern side and the southern side of Cudgera Avenue from Tweed Coast Road to opposite and adjacent to the car park entrance for the school subject to the removal of the "staff parking only" sign in the car park.

A2 [LTC] Parking at Kingscliff CBD

That subject to the relocation of the wheel stops in the off road car park in Marine Parade, Kingscliff adjacent to the Tweed Coast Holiday Park, the front in only parking restriction be removed.

A4 [LTC] Wharf Street, Murwillumbah - Tweed Foodie Fest

That the proposed closure of Wharf Street between Commercial Road and Queen Street, Murwillumbah for the conduct of the Tweed Foodie Fest on 13 June, 2014, 15 August 2014 and 17 October 2014 be approved for the times 5.00pm to 11.00pm, subject to:

- 1. Endorsement of the event by the Murwillumbah Business Chamber of Commerce*
- 2. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons*
- 3. Evidence of community and affected business consultation submitted to Council and any concerns raised addressed*
- 4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to each event taking place. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints*
- 5. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event if required*
- 6. Adequate public liability insurance being held by the event organiser*
- 7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event*
- 8. Consultation with emergency services particularly Murwillumbah Police, Murwillumbah Fire brigade and Murwillumbah Ambulance and any concerns arising from those groups addressed appropriately*

A5 [LTC] Battle of the Border Cycling Events

That the proposed Battle on the Border Cycling Events on 15- 18 May 2014 be approved subject to:

- 1. NSW Police and RMS approval being obtained*
- 2. Endorsement of the event by Bicycle NSW*

3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons*
4. *Community and affected business consultation*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of six weeks prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event*
7. *Adequate public liability insurance being held by the event organiser*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event*
9. *Consultation with emergency services throughout the Shire*
10. *Arrangements made for private property access and egress affected by the event*

A6 [LTC] Kennedy Drive, Tweed Heads

That:

1. *A concept design be brought forward to the Local Traffic Committee with the placement of a pedestrian refuge in the centre of Kennedy Drive adjacent to the "Scales" fish shop and consultation be held with the affected business owners.*
2. *A "No Right Turn" sign be installed on Kennedy Drive for westbound traffic opposite McDonald Street*

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL ITEMS FOR CONSIDERATION

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

aC1 [GM-CM] Formation of Rear Lane - Coronation Avenue, Pottsville

REASON FOR CONFIDENTIALITY:

Information contained within the report could prejudice ongoing discussions.

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 21

That Council:

1. Endorses the construction of the rear lane off Coronation Avenue, Pottsville and supports a change to one way traffic flow from Coronation Avenue north along Berkleys Lane (including the retention of the fig tree) then east along the unnamed lane and south through the eastern car park with left turn only into Coronation Ave.
2. Approves the construction of an additional three parallel car parks to the western side of Berkleys Lane whilst ensuring an appropriate green buffer to the adjoining residence together with adequate vehicle turning paths.
3. (a) In accordance with Section 11 of the Local Government Act 1993, releases pertinent excerpts of the report and diagram 1b of Attachment 1, and seeks input from the Pottsville Community and Business Associations on the proposed changes and advertises the proposed changes for a period of 28 days.

(b) Calls for suggestions on the naming of the proposed rear lane.
4. Approves entering into Deeds of Agreement for the payment of monetary contributions for the construction of the rear lane from owners of adjacent commercial properties, proportionately based on their road frontage, and formally writes to those business owners concerning these contributions.
5. Seeks comment from the Local Traffic Committee to the proposed changes.

The Motion was **Carried**

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

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Naming of Avenue of Pines at Terranora the "Terranora Memorial Avenue of Pines"

DECLARATION OF INTEREST

Mr Troy Green declared a non-pecuniary non-significant interest in this item. The nature of Mr Green's interest is that he lives adjacent to the location the subject of this item. Mr Green will manage this interest by leaving the chambers while this item is discussed.

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 22

That Council names the avenue of pines located adjacent to Nassau Avenue within the Azure Estate the "Terranora Memorial Avenue of Pines" and erects signage.

The Motion was **Carried**

FOR VOTE - Unanimous

302

**Cr M Armstrong
Cr P Youngblutt**

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 8.04pm.

↑ ○

Minutes of Meeting Confirmed by Council

at the Meeting held on
xxx

Chairman