



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 18 September 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 5.25pm

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 5.25pm.

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 Jane Lofthouse (Acting Director Community and Natural Resources), Mr Peter Brack (Corporate Compliance Officer) and Mrs Maree Morgan (Minutes Secretary).

CONFIRMATION OF MINUTES

- 1 **[CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meetings held on Thursday 21 August 2014 and Thursday 4 September 2014**

518

**Cr K Milne
Cr B Longland**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 August 2014 be adopted as a true and accurate record of proceedings of that meeting.
2. The Minutes of the Ordinary Meeting held Thursday 4 September be adopted as a true and accurate record of the proceedings of that meeting.
3. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr K Milne wishes to declare a *Non Pecuniary Non Significant* conflict of Interest in Item a22 - [E-CM] Restart NSW Water Security for Regions 2014-2015 Expression of Interest. The nature of the interest is that is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments, has been awarded against me for \$15,000. An application for appeal has been filed.

Cr Milne advises that she will remain in the Chambers during discussion and voting on the merits of the matter.

Cr G Bagnall wishes to declare a Pecuniary Interest in Item 19 [E-CM] Adoption of the Tweed Valley Floodplain Risk Management Study and Plan. The nature of the interest is that Cr Bagnall owns a number of properties identified by Council officers for purchase and advises that he will leave the chamber and take no part in discussion or voting.

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

Nil.

2014-2014 RATES INCENTIVE SCHEME COMPETITION

a1 2014-2015 Rates Incentive Scheme Competition

The Mayor, **Cr G Bagnall**, conducted the draw for the 2014/2015 Rates Incentive Scheme Competition:

First Prize:

\$2500 Sustainable Home Package Ms Jennifer Mann, Tweed Heads

Second Prize:

\$1500 Sustainable Home Package Ms Marion Van de Pol, Tweed Heads West

Third Prize:

\$1000 Sustainable Home Package Mr Edward Adcock, Stokers Siding

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

Cr Gary Bagnall addressed the meeting on his election as the Mayor for the period ending September 2015 and his commitment to the Shire.

"Citizens of Tweed, fellow Councillors and Council officers,

I am honoured to be elected as Mayor of the Tweed Shire. My fellow Councillors have placed a great responsibility on me, and it is a privilege to serve the Tweed residents in this important role. By nominating for the position, Councillors committed themselves to serving the citizens of this Shire. I wish to recommit myself to serving the people of the Tweed Shire to the best of my ability. I am a person of vision, drive, and enthusiasm and I am determined to lead Council in achieving the aspirations of our community.

I pay my respects to the first people who lived and for more than thirty thousand years in this area and to their descendants that still live amongst us. I acknowledge that what we now call the Tweed Valley or Shire is the traditional land of these people. I offer my respects to all First Australians in this Shire and to the South Sea Islander people whom you also embraced. I will serve you and this land, and will honour and respect your people, your heritage, your continuing culture and your lands to the best of my ability. I am truly sorry for the tragedies that have fallen upon your people in this valley, and commit to redressing those wrongs, upholding the memory of those that have gone before you.

As a Councillor and now Mayor of the Tweed Shire I am one of seven persons elected by the community to serve in the role of overseeing the operations and management of the Tweed Council. We stand apart from the Council staff. We are community representatives elected to see that our Shire is in good hands and is being cared for by the staff of Council. We acknowledge that they do not have an easy task managing such a vast area with tens of thousands of residents. We support them and encourage them to make this a great place to live.

The Mayor does not act alone, but is part of a group of councillors. Having said that the views of the Mayor and the Councillors are to reflect the views of the people of the Shire. The residents made it clear, through the Community Strategic Plan, that they value the natural environment as the Shire's greatest asset. The Federal government has also nominated the Tweed as one of Australia's 8 Iconic Landscapes, so we have a special duty to protect this area for the whole nation.

There are significant challenges in reversing the decline of our numerous threatened species and there is an overwhelming imperative from the community to save our iconic koalas on the brink of extinction.

There are also major social challenges we face in supporting our elderly and our disadvantaged, but we are a wonderfully resilient and creative community that does care.

I intend to work with the business community to promote a vibrant economy responsive to the community's needs.

And lastly but most importantly, I hope to lead this Council on a path to sustainability and to embrace our responsibilities in the climate change our greatest challenge of all.

May I encourage the residents of the Tweed to work with us and share with us your concerns and ideas for improvement and not work against us. Offer affirmation and encouragement and not criticism. We are there to represent you and to keep this as a wonderful Shire, make this a better place to live.

Mayor Gary Bagnall"

3 [MM-CM] Mayoral Minute for August 2014

519

Cr G Bagnall

RESOLVED that:-

1. The Mayoral Minute for the month of August 2014 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.
 - **Cr G Bagnall** to attend the LGNSW Mayors' Weekend - Stamford Plaza, Corner of Robey and O'Riordan Streets, Mascot, Sydney Airport on 29-30 November 2014.
 - **Cr K Milne** to attend the sessions on 3 October 2014 for the Australian Academy of Science Fenner Conference on the Environment 2014 - Scentia Building, Institute of Environmental Studies, University of NSW, High Street, Kensington, Sydney to be held on 2-3 October 2014

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

4 [ROP] Receipt of Petitions

520

Cr K Milne

Cr M Armstrong

RESOLVED that the following tabled Petition(s) be received and noted:

- Black Rocks Revegetation Submission provided today containing 2256 signatories.

The Motion was **Carried**

FOR VOTE - Unanimous

URGENCY MOTION

521

Cr C Byrne
Cr M Armstrong

RESOLVED that the Urgency Motion at Item a4 in relation the Councillor delegates on Committees of Council be dealt with.

The Motion was **Carried**

FOR VOTE - Unanimous

a4 [MM-CM] Council Committees - Delegates to September 2016

522

Cr C Byrne
Cr M Armstrong

RESOLVED that Council reviews and makes appropriate changes to the appointed delegates to the various committees for the period ending September 2016 as highlighted in bold and underlined below:

Committee	Delegate	Alternate Delegate/s
Aboriginal Advisory	<u>Cr Bagnall</u>	Cr Milne Cr Armstrong
Arts Northern Rivers Board	<u>Cr Bagnall</u>	Cr Armstrong
Audit	<u>Cr Longland</u> and Cr Byrne	
Australia Day	<u>Cr Bagnall</u>	
Destination Tweed	Mayor - <u>Cr Bagnall</u>	
Equal Access Advisory	Cr Armstrong and Cr Youngblutt	
Flood Plain Management	Cr Milne	Cr Bagnall
General Manager Review	All Councillors	
Gold Coast Airport Community Aviation Consultative Group	Cr Byrne	Cr Milne
Local Traffic	Cr Longland	Cr Armstrong

Committee	Delegate	Alternate Delegate/s
Northern Rivers Regional Organisation of Councils	Mayor - <u>Cr Bagnall</u>	Deputy Mayor - <u>Cr Youngblutt</u>
Richmond - Tweed Regional Library	Cr Byrne and Cr Milne	Cr Armstrong
Rural Fire Service Liaison	Cr Byrne and Cr Youngblutt	
Far North Coast Bush Fire Management	Cr Youngblutt	Cr Byrne
Sports Advisory	Cr Youngblutt	Cr Polglase
Tweed Coastal	Cr Bagnall and Cr Longland	Cr Milne
Tweed Coast Koala Advisory Group	Cr Milne	
Tweed River	Cr Bagnall and Cr Milne	
Tweed River Regional Art Gallery Advisory	Cr Polglase and Cr Youngblutt	
Tweed River Regional Museum Advisory	Cr Armstrong	Cr Longland
Mayor's Disaster Relief Fund	Mayor and Deputy Mayor	
OTHER		
Art Gallery Foundation	<u>Cr Bagnall</u>	

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

5 [GM-CM] SINC Solutions Report Recommendations - Implementation Update

523

Cr M Armstrong
Cr B Longland

RESOLVED that Council receives and notes the update on the implementation of the recommendations of the SINC Solutions Final Report.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 6 [PR-CM] Review of Environmental Factors PTV14/0019 for a Pontoon at Lot 2 DP 1080842 Nos. 139-151 Chinderah Bay Drive, Chinderah and Tweed River, Chinderah**

524

**Cr P Youngblutt
Cr B Longland**

RESOLVED that:

- A. Following assessment of the Review of Environmental Factors for the Chinderah Pontoon it is determined that the activity is not likely to have a significant impact on the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats.
- B. PTV14/0019 application for the Chinderah Pontoon at Lot 2 DP 1080842 Nos. 139-151 Chinderah Bay Drive, Chinderah and Tweed River, Chinderah be approved subject to the following conditions:
1. The development shall be completed in general accordance with the Review of Environmental Factors ('REF') titled Part V and REF Chinderah Pontoon, (submitted to Council 30 June 2014) and recommendations made in Proposed Chinderah Pontoon - Environmental Assessment dated 27 May 2014 Rev. B prepared by Australian Wetlands Consulting Pty Ltd except where varied by these conditions.
[PTV0010]
 2. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate. Erosion and sedimentation control devices shall be installed in accordance with the publication, "Managing Urban Stormwater - Soil and Construction", prepared by the NSW Department of Housing. All erosion and sedimentation controls shall be maintained throughout the period of construction.
[PTV0020]
 3. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
[PTV0030]
 4. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
[PTV0040]
 5. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[PTV0050]

6. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[PTV0060]

7. Written notice shall be given to any affected residences at least two weeks prior to any works commencing.

[PTV0070]

8. Prior to commencement of construction, Council must endorse a Traffic Management Plan prepared by an Roads and Maritime Services accredited person in accordance with AS1742 and the RMS publication "Traffic Control at Work Sites" (current version).

[PTV0080]

9. The pontoon including the riverbank connection shall be designed and constructed to withstand without total dislodgement the Q100 flood event of 3.1m AHD at a velocity of 1m/s including flood debris impact loadings.

10. The applicant must obtain all relevant licences and permits from applicable agencies prior to commencement of works.

11. Vessels or floating plant associated with the proposed works display the shapes and lights as set out by the boating regulations.

12. The gangway and riverside edge of the pontoon be fitted with silver or white reflectors (minimum size 250mm x 40mm), 5 metres apart and on the corners of the pontoon and piles, oriented so that they can be clearly seen from a vessel at night.

13. No outlying wires or obstructions of any kind shall project outside the extremities of the gangway and pontoon.

14. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the works.
15. Disturbed road pavement, road verge and property accesses shall be re-instated as required, in accordance with Councils Development Design and Construction Specifications.
16. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.
17. Prior to the use of the pontoon; a Structural Engineer's "Certificate of Adequacy" is to be submitted to Council's General Manager or delegate certifying that the jetty/pontoon installation; has been constructed in accordance with the approved details, will not cause any loading upon the existing revetment wall, and is structurally adequate to withstand the live and dead loads associated with its use and location.
18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force at the time).
19. The issue of this approval does not certify compliance with the relevant provisions of the Building Code of Australia.
20. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
21. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to Council's General Manager or delegate prior or any works commencing.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

22. The applicant shall submit and if necessary undertake (where data and mapping product/s are unavailable from other government agencies) annual seagrass mapping of the study area (as shown in Figure 4.1 and 4.2 of the *Proposed Chinderah Pontoon - Environmental Assessment dated 27 May 2014 Rev. B prepared by Australian Wetlands Consulting Pty Ltd* report ('AWR')) to be conducted over a five year period using:
 - a. Data used to prepare *Figure 1. Chinderah Seagrass Beds* in the AWR as baseline mapping

- b. The most current spatial information available at the time; and
- c. Methodology adopted by the Department of Primary Industries (or equivalent agency at the time) for the mapping of estuarine habitat.

Mapping is to be submitted to Council annually on the anniversary date of the consent.

- 23. The applicant shall establish three permanent seagrass monitoring transects at Oxley Cove Peninsula to be monitored annually for a period of five years. The three transects shall be aligned with any of the five transects used in the *Proposed Chinderah Pontoon - Environmental Assessment dated 27 May 2014 Rev. B prepared by Australian Wetlands Consulting Pty Ltd* report at Oxley Cove Peninsula and data used as baseline information. The methodology used to monitor shall be consistent with that relied on in the AWR. Results of the monitoring shall be submitted to Council annually on the anniversary date of the approval.
- 24. The applicant shall design and install a minimum of three interpretive/educational awareness signs proximate to the pontoon facility highlighting (but not limited to) responsible waste disposal, importance of protecting marine/riparian habitats, awareness of seagrass beds and responsible vessel operation.
- 25. The proposed footpath shown on *Dwg. No. MIS54-03 Sheet 03 Issue C Detail Plan dated 19 November 2013 prepared by TSC Design Unit* shall be realigned landward towards Chinderah Bay Drive (yet remaining on the north-western verge) to the greatest extent possible (maintaining pedestrian safety) in order to maximise the width of the Tweed River riparian buffer.
- 26. The applicant shall revegetate and manage the riparian buffer to the Tweed River to an average width of 2.5 m measured landward from the top bank (1.00 m contour as shown on *Dwg. No. MIS54-03 Sheet 03 Issue C*) in the following areas:
 - a. For the entire length and parallel with the proposed footpath pursuant to Condition 25 above; and
 - b. Ten metres to the north-east of the gangway and associated abutment (as shown on the approved plans) extending along the foreshore.

The revegetation and associated works shall be completed and approved by Council prior to commencement of use of the pontoon structure and involve the following:

- a. Planting to achieve a density of one plant per square metre;
- b. All plants shall be local native species proven to suit site conditions and positioned to avoid conflict with pedestrian movement;

- c. Permanent edging shall be installed along the landward edge of the revegetation area (if determined necessary);
 - d. Plantings shall be undertaken in accordance with standard *Dwg. No. S.D.701-702 Tree & Shrub Planting Details and Standard Revegetation Detail* in *TSC Landscape Procedures and Style Manual Appendix H* (of DCP A5 Subdivision Manual - D14 Landscaping Public Space);
 - e. Installation of permanent post and rail fence (or similar design) in accordance with standard specification *Dwg. S.D.703 Log Barrier Fencing TSC Landscape Procedures and Style Manual Appendix H* (of DCP A5 Subdivision Manual - D14 Landscaping Public Space) to the landward edge of the revegetation area described above.
 - f. Complete a six month establishment period where 100% revegetation plant survival is achieved and the area remains free of environmental weeds.
27. The applicant shall establish temporary 'No Go Zones' during the construction phase around existing isolated seagrass beds occurring seaward of the Chinderah Bay Drive foreshore. The temporary 'No Go Zones' shall be established in a rectangular configuration measured approximately ten metres from the low tide mark seaward (width) and for a length of approximately 40 metres each side (parallel with the shoreline) of the gangway footprint as shown on the approved plans.
28. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
29. Tweed Shire Council and successful contractors liaise with Roads and Maritime Services prior to commencement of any works to determine on water traffic management plans during construction if required.

AMENDMENT

525

Cr K Milne
Cr M Armstrong

PROPOSED that this item be deferred for a further report, including:

1. Outcomes of a workshop with the Roads and Maritime Services on the provision of a no wake zone extending from the Chinderah boat ramp to upstream of Chinderah Island, and further to that, a 10 knot zone extending downstream to the Barneys Point Bridge and upstream of the Tweed Broadwater.
2. The potential to incorporate a launching area at one end for passive craft including for disabled access.
3. The provision of one third of the pontoon restricted for fishing and swimming purposes.

The Amendment was **Lost**

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

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

The Motion was **Carried** (Minute No 524 refers)

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

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

7 [CNR-CM] First Round Applications for Financial Assistance 2014/2015 - Donations Policy

526

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. Council allocates the First Round Donations for 2014/2015 under the Donations Policy as follows:-

<u>Applicant</u>	<u>Amount</u>
Cabarita Beach Bogangar Residents Association	\$ 2000
Mother's Milk Bank Pty Ltd	\$ 1963
Neighbourhood Watch - Bray Park/Murwillumbah	\$ 800
Chillingham and Tyalgum Community Preschool	\$ 2000
The Scout Association NSW Branch Murwillumbah Group	\$ 2000
Stokers Siding/Dunbible Memorial Hall Inc	\$ 1500
Tweed Valley Jazz Club	\$ 2000
TOTAL	\$12,213

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

The Motion was **Carried**

FOR VOTE - Unanimous

8 [CNR-CM] Waiving of Disposal Fees - Stotts Creek Resource Recovery Centre

527

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council receives and notes the report on Waiving of Disposal Fees - Stotts Creek Resource Recovery Centre.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [CNR-CM] Tweed Coast Comprehensive Koala Plan of Management

528

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council places the draft Tweed Coast Comprehensive Koala Plan of Management on public exhibition for 28 days with a further 14 days for acceptance of submissions.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [CNR-CM] 2014 'Living for the Future' Home Expo

529

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council allocates staff resources to explore opportunities and a \$6,000 budget to hold a 'Living for the Future' Home Expo in 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [CNR-CM] Biodiversity Grants

530

Cr M Armstrong
Cr P Youngblutt

RESOLVED that Council approves the proposed Biodiversity Grant listed below:

Name	Area	Estimate (\$)	Description
De Lacy	Terragon	5,000	Twelve person days of ecological restoration as an in-kind contribution to the Mid Tweed Environmental Trust project being managed by Tweed Landcare.
	Total	5,000	

The Motion was **Carried**

FOR VOTE - Unanimous

12 [CNR-CM] Biodiversity Grant Program Implementation - Caldera Art 2014 Project

531

Cr M Armstrong
Cr P Youngblutt

RESOLVED that Council approves the expenditure of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2014 project.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [CNR-CM] Draft Sports Field Strategy

532

Cr W Polglase
Cr P Youngblutt

PROPOSED that Council places the Draft Tweed Shire Council Sports Field Strategy on public exhibition for a period of 28 days, with a further 14 days for acceptance of submissions.

AMENDMENT 1

533

**Cr K Milne
Cr M Armstrong**

PROPOSED that Council defers public exhibition of the Draft Sports Field Strategy to enable a Workshop to consider:

- a) the full range of currently provided and potentially required structured sports fields, and unstructured recreational land and facilities, including for seniors and disabled;
- b) comparison of the distribution of land and resource allocation for recreational activities between structured sports fields and unstructured recreational facilities;
- c) the level of actual and potential use of the various facilities by age, gender and geographical distribution; and
- d) further advice in regard key task 14 of the consultant's brief i.e. "*Address the implications and provide recommendations for sports facility provision in the anticipated Dunloe Park urban release areas*".

The Amendment was **Lost**

FOR VOTE - Cr M Armstrong, Cr K Milne

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

AMENDMENT 2

534

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council places the Draft Tweed Shire Council Sports Field Strategy on public exhibition for a period of 42 days, with a further 14 days for acceptance of submissions.

The Amendment 2 was **Carried**

FOR VOTE - Unanimous

The Amendment 2 on becoming the Motion was **Carried** - (Minute No 534 refers)

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

14 [CNR-CM] River Health Grants

535

Cr W Polglase
Cr C Byrne

RESOLVED that Council approves the proposed River Health Grants listed below:

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Masters	Limpinwood	300	Bush regeneration and weed control to enhance riparian buffer along Worrendo Creek.	\$9,500
Cooper	Stokers Siding	100	Assist landowner with training in bush regeneration and environmental weed control.	\$1,500
Graham	Uki	150	Weed control and bush regeneration along tributary of the Tweed River.	\$3,000
Kleidon	Tyalgum	200	Provide material assistance in revegetation of waterway.	\$1,000
Warren and Poad	Mt Burrell	1200	Assist landowner with training in bush regeneration and environmental weed control.	\$3,000
Pellatt and Edwards	Tyalgum	765	Bush regeneration and weed control to enhance riparian buffer along the Oxley River.	\$4,000
Julien	Tyalgum	150	Extend riparian buffer with revegetation and undertake weed control/bush regeneration to stabilise slumping bank.	\$2,600
Daley	Tyalgum	440	Bush regeneration and weed control to enhance riparian buffer along North Pumpenbil Creek.	\$6,000

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek

536

**Cr W Polglase
Cr C Byrne**

RESOLVED that:-

1. The tender from East Coast Asphalt & Concrete Edging Pty Ltd be accepted to the value of \$136,975 exclusive of GST for tender EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek.
2. The General Manager be given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000.00 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

16 [E-CM] EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for Tweed Shire Council

537

**Cr W Polglase
Cr C Byrne**

RESOLVED that:

1. Council accepts the list of providers for the tender EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for the Tweed Shire Council for a 12 month period as included as a confidential attachment to this report.
2. **ATTACHMENTS 1 and 2 are CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [E-CM] Broadwater Parkway

538

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council commences the planning approvals process for Broadwater Parkway, Area E Terranora, including detailed design, environmental assessment and community consultation.

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***

18 [E-CM] Altitude Aspire Planning Agreement

539

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council:-

1. Accepts the version of the Altitude Aspire Planning Agreement attached to this report.
2. Executes the Altitude Aspire Planning Agreement under the Common Seal of Council.

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***

19 [E-CM] Adoption of Tweed Valley Floodplain Risk Management Study and Plan

DECLARATION OF INTEREST

Cr G Bagnall declared a Pecuniary Interest in this item. The nature of the interest is that Cr G Bagnall owns a number of properties identified by Council officers for purchase. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

Cr G Bagnall temporarily left the meeting at 06:22PM.

Cr P Youngblutt (Deputy Mayor) chaired the Meeting

540

**Cr K Milne
Cr M Armstrong**

PROPOSED that Council defers this item to seek advice from the Floodplain Management Committee on:

1. The further information provided to Council in the last workshop; and
2. The option for compensatory measures and a no adverse impact policy.

The Motion was **Lost**

FOR VOTE - Cr M Armstrong, Cr K Milne

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

541

**Cr B Longland
Cr C Byrne**

RESOLVED that Council adopts the Tweed Valley Floodplain Risk Management Study and Plan subject to:

1. Additional information being added to Appendix A "Frequently Asked Questions", regarding the rejection of Byrrill Creek Dam as a flood mitigation option.
2. Inclusion of a recommendation to review the definition of high hazard areas, including an extreme hazard definition, and the development controls that apply, in a future review of Development Control Plan Section A3 - Development of Flood Liable Land.

3. **ATTACHMENT 3** is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried** (Minute No 541 refers)

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

Cr G Bagnall has returned from temporary absence at 06:28 PM

20 [E-CM] Partial Release and Creation of Easement - Seaside City Development, Kingscliff

542

Cr P Youngblutt
Cr C Byrne

RESOLVED that:

1. Council provides consent to the partial release of the Easement to Drain Sewage through Lots 368 and 383 in DP1162588 as shown marked (D) in the proposed plan of subdivision shown in the body of the report (Diagram 3); and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [E-CM] Hattons Road - Land Acquisition

543

Cr K Milne
Cr P Youngblutt

RESOLVED that:

1. Council approves the acquisition of Lots 1-2 in DP 1197190 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;

2. Council approves the acquisition of Lot 3 in DP 1197190 as compensation payable being the transfer to the adjoining landowner of the road closure parcel under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
3. Lots 1-2 in DP 1197190 be dedicated as road following gazettal of the acquisition; and
4. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [E-CM] Drinking Water Management System

544

**Cr K Milne
Cr P Youngblutt**

RESOLVED that Council adopts the Drinking Water Management System Version 6 attached to this report.

The Motion was **Carried**

FOR VOTE - Unanimous

a22 [E-CM] Restart NSW Water Security for Regions 2014-2015 - Expression of Interest

DECLARATION OF INTEREST

Cr K Milne declared a *Non Pecuniary Non Significant* conflict of Interest in Item a22 - [E-CM] Restart NSW Water Security for Regions 2014-2015 Expression of Interest. The nature of the interest is that is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments, has been awarded against me for \$15,000. An application for appeal has been filed.

Cr Milne advises that she will remain in the Chambers during discussion and voting on the merits of the matter.

545

Cr K Milne
Cr P Youngblutt

RESOLVED that Council submits an Expression of Interest for funding of the connection of Tweed Shire Council water supply to South East Queensland Water Grid under the Restart NSW Water Security for Regions 2014-2015 program.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES

23 **[CS-CM] In Kind and Real Donations - April to June 2014**

546

Cr K Milne
Cr P Youngblutt

RESOLVED that Council notes the total in kind and real donations of \$64,702.20 for the period April to June 2014.

The Motion was **Carried**

FOR VOTE - Unanimous

24 **[CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 31 August 2014**

547

Cr K Milne
Cr P Youngblutt

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 August 2014 totalling \$194,231,954 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

25 [NOM] Promotion of Touring Productions

NOTICE OF MOTION:

548

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council:

1. Notes the success of the recent Opera Australia production of "The Magic Flute" at the Murwillumbah Civic Centre;
2. Seeks advice from the promoter and Opera Australia as to the advantages and challenges of performing "The Magic Flute" at the Murwillumbah Civic Centre and whether there are opportunities for Council to provide greater support for touring productions; and
3. Prepares a report for a future Council meeting outlining the responses from the promoter and Opera Australia and options based upon their responses.

Cr P Youngblutt temporarily left the meeting at 06:31 PM.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt***

26 [NOM] Welcome to Tweed Shire Signs

NOTICE OF MOTION:

549

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council brings forward a report on:

1. Including reference to 'The Green Cauldron, A National Iconic Landscape' on existing "Welcome to the Tweed Shire" signs at the main entrances to the Shire,

2. Installing "Welcome to the Tweed Shire" signs at the north of the Shire including on the M1 Freeway, the Gold Coast Highway and Wharf St, including reference to 'The Green Cauldron, A National Iconic Landscape', and consultation with the Aboriginal Advisory Committee to include the Aboriginal Welcome/acknowledgement of Country.
3. Options for appropriate wording, e.g. the heart of/the centre of, and pictorial graphics.
4. This be considered in conjunction with the resolution of 24 January 2014 regarding Entry Statements to the Tweed Shire.

Cr P Youngblutt has returned from temporary absence at 06:33 PM

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

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.36pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.15pm

Crs B Longland, K Milne and P Youngblutt were not present at the resumption of the meeting.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 27 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 29 July 2014

550

Cr W Polglase
Cr M Armstrong

RESOLVED that:

1. The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 29 July 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA1. Black Rocks Sports Field entry gate

That Council notes the request of the Koala Advisory Group Committee, being that the koala and dog-proof gate, when installed, remain locked at all times except when being used by sporting organisations, but that the resolution of 10 April 2014 stands.

A4. Tweed Coast Koala Plan of Management

This recommendation is the subject of a separate report to Council. Council officers presented the draft plan to Council at a workshop held 14 August 2014.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

28 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 August 2014

551

**Cr W Polglase
Cr M Armstrong**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 13 August 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A6. Rural Fires Act Amendment

That Council:

1. *Notes the actions taken by officers with respect to the 10/50 rule including formulation of a response and recommendations that were forwarded to the State Member for Tweed, Geoff Provest MP and to the NSW Rural Fire Services Commissioner.*

2. *That this matter be put forward for consideration at the Local Government NSW (LGNSW) Annual Conference in October 2014, and endeavours to gain support of LGNSW to achieve an improved outcome for biodiversity, in view of the potential problems raised by the new legislation.*

GB2. Giant Devil's Fig

That Council approaches Far North Coast Weeds to request that Giant Devil's Fig be preferentially included as a emerging weed threat through the Cross Border Invasive Species Taskforce.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

29 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2014

552

**Cr W Polglase
Cr M Armstrong**

RESOLVED that:

1. The Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA3. Hastings Point Rocky Shore (Marine Science Reserve)

That Council writes to the appropriate Ministers (Lands / Fisheries) and the local State Member, to request that urgent progress be made on developing a Management Plan for the Hastings Point Marine Reserve following its gazettal in February 2007.

A3. Rural Fires Act Amendment

Previously considered by Council in the minutes of the Tweed River Committee meeting of 13 August 2014.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

30 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 14 August 2014

553

**Cr W Polglase
Cr M Armstrong**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 14 August 2014 be received and noted.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

31 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 August 2014

554

**Cr W Polglase
Cr M Armstrong**

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 August 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB1. Membership

That Wendy Gilbert be appointed to the Equal Access Advisory Committee.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

32 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 21 August 2014

555

**Cr W Polglase
Cr M Armstrong**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held 21 August 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 [LTC] Casuarina Way, Casuarina

That subject to consultation with the Body Corporate of Cotton Beach, provision of 'No Stopping' zones by the application of yellow linemarking be supported approximately 6m north of the Cotton Beach apartments driveway and approximately 15m between the apartment driveway and the service vehicle exit on Casuarina Way.

A2 [LTC] McLeod Street, Condong

That the request to modify 'No Stopping' zones in McLeod Street Condong is not supported.

A3 [LTC] Tree - 18 Elizabeth Street, and Philip Street, Pottsville

That the disabled parking space in Philip Street Pottsville be relocated to be clear of the fig tree, subject to consultation with Council's Equal Access Advisory Committee, and any other on site constraints.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

CONFIDENTIAL COMMITTEE

Nil.

There being no further business the Meeting terminated at 7.17pm



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

Chairman

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