



**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 19 June 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 5.02pm.

### **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 Peter Brack (Corporate Compliance Officer) and Mrs Kerrie McConnell (Minutes Secretary).

### **ABORIGINAL STATEMENT**

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."*

### **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Father David Gilbey, Parish Priest, Sacred Heart Catholic Parish, Murwillumbah:

*"Let us pray, (pause)*

*Lord our God,*

*Look with love on the people who form the Community of the Tweed Shire and keep them safe as they seek purpose and peace in this Community.*

*Bless and guide the members of this representative Council in their quest to bring such purpose, peace, hope and prosperity through to all in their care.*

*Guide their minds and hearts, so that the work they address may provide adequate, equitable and appropriate services and facilities for the betterment of the community they serve.*

*Bring success to their plans and deliberations and reward them for the good they accomplish.*

*Lord, teach all of us gathered here, to be generous in our outlook, courageous in the face of difficulty and wise in all our decisions.*

*We ask this through Christ our Lord,*

*Amen."*

## CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 May 2014 and Ordinary Council Meeting held Thursday 5 June 2014

305

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

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 May 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 5 June 2014 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***

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## APOLOGIES

Nil.

## DISCLOSURE OF INTEREST

Cr G Bagnall declared a Pecuniary Interest in Item 42 [E-CM] Adoption of Tweed Valley Floodplain Risk Management Study and Plan. The nature of the interest is that Cr G Bagnall owns a property in a flood prone area.

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

Nil.

## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 [SOR] Schedule of Outstanding Resolutions

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

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## MAYORAL MINUTE

### 3 [MM-CM] Mayoral Minute for May 2014

306

**Cr B Longland**

**RESOLVED** that:

1. The Mayoral Minute for the month of May 2014 be received and noted, with the following addition:  
  
8 May Taste of Kingscliff and the Tweed Coast Official Program, Launch for the upcoming event - Salt Bar, Salt Village, Kingscliff - Cr Byrne attended.
2. The attendance of Cr Longland at the nominated Conference be authorised:  
  
24-25 July Local Government INNOVATION 2014 - Crowne Plaza, 2809 Gold Coast Highway, Surfers Paradise, Gold Coast - *International and Australian Councils, Researchers and Experts will share their views on the need for Local Government to embrace innovation to get on top of the constant threats of reduced funding, rates income reliance, rising costs and independence - \$1200 Registration, no flights or accommodation required.*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## RECEIPT OF PETITIONS

### 4 [ROP] Receipt of Petitions

307

**Cr B Longland**  
**Cr M Armstrong**

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

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- Petition containing 309 signatures requesting that Council "*does NOT levy developer charges on such specified organisations, including, but not limited to, Tweed Heads Community Men's Shed Incorporated.*"
- Petition containing 24 signatures of residents from Kirkwood Road objecting to the proposal that it be renamed Kirkwood Road West.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 5 [GM-CM] Organisational Restructure - Phase 2

308

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

#### RESOLVED that:

1. In accordance with Sections 332 and 333 of the Local Government Act 1993 endorses the Divisional Organisational Structure as outlined in the body of this report for the Corporate Services, Engineering and Community and Natural Resources Divisions, effective from 14 July 2014, being:
  - (a) Office of General Manager - (*italics - adopted 20/2/14 Minute 65*)
    - Director Corporate Services*
    - Director Engineering*
    - Director Planning and Regulation*
    - Director Community and Natural Resources*
    - Executive Officer*
      - Holiday Parks and Economic Development
      - Personal Assistant to the General Manager
  - (b) Corporate Services
    - Communications and Customer Services
    - Corporate Governance
    - Financial Services
    - Human Resources
    - Information Technology
    - Internal Auditor
      - Executive Assistant Director Corporate Services

(c) Engineering  
Infrastructure Delivery  
Design  
Water and Wastewater  
Roads and Stormwater  
Executive Assistant Director Engineering

(d) Community and Natural Resources  
Community and Cultural Services  
Natural Resource Management  
Recreation Services  
Waste  
Executive Assistant Director Community and Natural Resources

2. Receives and notes organisational changes to be implemented beneath Director level within the structure; and
3. Endorses the delaying of the Phase 2 restructure for the Planning and Regulation Division with a further report to be presented in the first quarter of 2014/2015.
4. 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***

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**6 [GM-CM] Contract EC2014-068 Request for Independent Chair to facilitate dealings between Tweed Shire Council and Leda Holdings Pty Ltd**

309

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

**RESOLVED** that:

1. In relation to Tender EC2014-068, for Independent Chair to facilitate dealings between Tweed Shire Council and Leda Holdings, Council accepts the submission from APP Corporation Pty Ltd, in particular the nominee Clare Brown.
2. Notwithstanding Section 11 of the Local Government Act 1993, Council provide Leda Holdings with a copy of the following Confidential documents for the purposes of reviewing the information as Leda Holdings have agreed to meet fifty percent (50%) of the costs associated with the Independent Chair:
  - Request for Tender (EC2014-068) Documentation;

- Submissions received from Tenderers for Tender (EC2014-068); and
  - Confidential Attachment 1 to Council Report for Contract EC2014-068.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (d) *commercial information of a confidential nature that would, if disclosed:*
    - (i) *prejudice the commercial position of the person who supplied it, or*
    - (ii) *confer a commercial advantage on a competitor of the council, or*
    - (iii) *reveal a trade secret.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**7 [GM-CM] Applications for Financial Assistance 2014/2015 - Festivals and Events Policy**

310

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

**RESOLVED** that:

1. Council allocates Festival and Events funding for 2014/2015 under the Festivals and Events Policy as follows:

<b>Applicant</b>	<b>Amount</b>
(a) Tweed Heads Croquet Club Inc (Croquet Spring Festival, 26-29 September 2014)	\$1500
(b) Caldera Environment Centre (World Environment Day, 7 June 2015)	\$5000
(c) Octopus Garden Festival Inc (Octopus's Garden Festival, 8 August 2014)	\$1500
(d) Tweed District Orchid Society (Tweed Diamond Jubilee Orchid Spectacular, 1-2 Nov 2014)	\$1500
(e) Crabbes Creek Community Film Society (CrabbesFest, 12 September 2014)	\$1500
(f) Burringbar District Sports Club (Car Enthusiasts Festival, 12 October 2014)	\$1500
(g) Murwillumbah Rowing Club (Head of the Tweed, 21 June 2015)	\$1500
(h) Tweed Valley Equestrian Group (Tweed Valley Equestrian Official Dressage Championships, 2-3 August 2014)	\$1500
(i) Dragons Abreast Mt Warning (Dragons Abreast Inaugural Festival Regatta, 13 July 2014)	\$1500
<b>TOTAL:</b>	<b>\$17,000</b>



2. Council has allocated multi-year funding in 2012/2013 to the following groups in 2014/2015:

(a) Tweed River Agricultural Society (Murwillumbah Show)	\$7500
(b) Island Style Promotions (Australian Longboard Surfing Festival)	\$5000
(c) Tyalgum Music Festival (Tyalgum Music Festival)	\$6000

**TOTAL: \$18,500**

3. Council has allocated multi-year funding in 2013/2014 to the following groups in 2014/2015:

(a) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$7500
(b) Tweed Food Fest Inc. (Tweed Foodie Fest)	\$5000
(c) Murwillumbah Festival of Performing Arts Inc (Murwillumbah Festival of Performing Arts)	\$7500
(d) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	\$1500

**TOTAL: \$21,500**

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **8 [GM-CM] Major Event Proposal for Murwillumbah**

311

**Cr W Polglase**  
**Cr G Bagnall**

**RESOLVED** that Council defers the Major Event Proposal for Murwillumbah for a Workshop with Councillors before the next Council meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**9 [GM-CM] Business Excellence Awards Tweed Shire 2014**

312

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. This report be received and noted.
2. Council provide the Murwillumbah Civic Centre at no cost to the event organisers of the 2014 Business Excellence Awards Tweed Shire (BEATS) to be held on 11 October 2014.

**AMENDMENT**

313

**Cr M Armstrong  
Cr B Longland**

**PROPOSED** that this item be deferred to the July Council meeting.

The Amendment was **Lost**

**FOR VOTE - Cr M Armstrong, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr K Milne, Cr G Bagnall**

The Motion was **Carried** - (Minute No 312 refers)

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

**AGAINST VOTE - Cr B Longland**

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**10 [GM-CM] Correspondence - Response to Policy v1.5**

314

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council adopts the Correspondence - Response to Policy Version 1.5 and in accordance with section 161 (2) of the Local Government Act 1993, as the amendments are not substantial, dispenses with the requirement of publicly advertising the policy.

The Motion was **Carried**

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**FOR VOTE - Unanimous**

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**11 [PR-CM] PP10/0007 - Mooball Planning Proposal**

315

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that in respect of Planning Proposal PP10/0007 relating to the site Lot 2 in DP 534493 and Lot 7 in DP 593200, Mooball:

1. Council rejects the request of the planning consultant acting on behalf of the Proponent for this Planning Proposal to remove Points 3 and 6 of the resolution on this matter at Council's Meeting of 21 November 2013, which requires additional studies and other matters to be prepared by the proponent as part of the proposed exhibited Planning Proposal documents, and
2. The additional planning studies referred to in paragraph 1 of this recommendation are to be prepared or submitted by the Applicant following the public exhibition of the planning proposal, which will provide Council with a better appreciation of the local community's view of the rezoning and whether those planning studies will be required as part of the strategic investigations or otherwise deferred to a development application process, and
3. Council officers are to proceed with preparing the Planning Proposal in accordance with the standing resolutions of 21 November 2013, except as amended by paragraph 2 of this recommendation.

**AMENDMENT 1**

316

**Cr W Polglase  
Cr C Byrne**

**PROPOSED** that in respect of Planning Proposal PP10/0007 relating to the site Lot 2 in DP 534493 and Lot 7 in DP 593200, Mooball, Council remove Points 3 and 6 of the resolution on this matter at Council's Meeting of 21 November 2013, whereby no further studies or actions as necessitated by these Points are required. Council officers are to proceed with preparing the Planning Proposal in accordance with Points 1, 2, 4 and 5 of the resolution.

Amendment 1 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**

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## AMENDMENT 2

317

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

**PROPOSED** that in respect of Planning Proposal PP10/0007 relating to the site Lot 2 in DP 534493 and Lot 7 in DP 593200, Mooball, Council reject the request of the planning consultant acting on behalf of the Proponent for this Planning proposal to remove Points 3 and 6 of the resolution on this matter at Council's Meeting of 21 November 2013, which requires additional studies and other matters to be prepared by the proponent as part of the proposed exhibited Planning Proposal documents, and that Council officers are to proceed with preparing the Planning Proposal in accordance with the resolution.

Amendment 2 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 315 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**

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## 12 [PR-CM] Planning Reform Unit - Priorities Work Plan 2014/15

318

**Cr W Polglase**  
**Cr M Armstrong**

**RESOLVED** that the:

1. Council's strategic planning project prioritisation plan detailed in Table 1 through to Table 4, as detailed in the report, is adopted.
2. Planning Reform Unit's priority project Work Plan 2014-15, identified as Table 5 within the report, is endorsed.

Cr P Youngblutt temporarily left the meeting at 06:05 PM.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

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

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

**13 [CNR-CM] Surf Life Saving Services**

319

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that Council receives and notes:

1. The Season Report 2013-2014 for Tweed Shire Council provided by the Australian Lifeguard Service.
2. The Coastal Public Safety Risk Assessment by Australian Coastsafe.

The Motion was **Carried**

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

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**14 [CNR-CM] Community Organisations on Council Land - Developer Contributions**

320

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Council adopts the policy "*Developer Contributions - Community Organisations*".

Cr P Youngblutt has returned from temporary absence at 06:08 PM

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**15 [CNR-CM] Murwillumbah Library Alterations (Pond and Landscaping)**

321

**Cr G Bagnall  
Cr M Armstrong**

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**RESOLVED** that:

1. Council places the Murwillumbah Library Pond Landscape Plan as described as Figure 2 within this report on exhibition for 28 days.
2. A further report be prepared for Council's consideration at the close of the submission period.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**16 [CNR-CM] Knox Park Masterplan**

322

**Cr P Youngblutt  
Cr M Armstrong**

**RESOLVED** that Council adopts the amended Knox Park Masterplan as included in this report.

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***

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**17 [CNR-CM] Tweed Riverbank Erosion Management Plan**

323

**Cr C Byrne  
Cr P Youngblutt**

**PROPOSED** that:

1. Council places the Tweed Riverbank Erosion Management Plan 2014 on public exhibition for a period of sixty days.
2. A further report be prepared for Council's consideration at the close of the submission period.

## AMENDMENT

324

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

**RESOLVED** that:

1. Council places the Tweed Riverbank Erosion Management Plan 2014 on public exhibition for a period of sixty days.
2. A further report be prepared for Council's consideration at the close of the submission period.
3. The report in point 2 above to include, but not be limited to:
  - a. further investigation of potential options to minimise the use of rock walls;
  - b. methods to enhance outcomes for aquatic and terrestrial ecology and visual amenity where rock walls are unavoidable; and
  - c. options for further reducing impacts affecting riverbank erosion.

The Amendment 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**

The Amendment on becoming the Motion was **Carried** - (Minute No 324 refers)

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

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## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.17pm

**18 [CNR-CM] Amendments to Water Supply Catchment Stream Bank Protection Policy - River Health Grants Policy**

325

**Cr W Polglase**  
**Cr M Armstrong**

**RESOLVED** that Council adopts the River Health Grants Policy V1.0.

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The Motion was **Carried**

**FOR VOTE - Unanimous**

**19 [CNR-CM] Biodiversity Grants**

326

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that Council approves the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the table below:

Name	Area	Estimate (\$)	Description
Smith	Doon Doon	1,920	Six person days of ecological restoration
Edwards	Terragon	3,200	Eight person days of ecological restoration
Krieger	Clothiers Creek	2,560	Six person days of ecological restoration
	<b>Total</b>	<b>\$7,680</b>	

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

327

**Cr W Polglase  
Cr M Armstrong**

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

Name	Area	Details	Cost Estimate (\$ excl. GST)
Abbott	Farrants Hill	Plant 350 trees Bush regeneration (14 person days)	\$9,900
Engelbrecht	Farrants Hill	Plant 425 trees Bush regeneration (16 person days)	\$11,500
Kelly Flynn Riordan Hombroek	Farrants Hill (cluster of adjacent sites)	Plant 350 trees Bush regeneration (28 person days)	\$15,900
<b>TOTAL</b>			<b>\$37,300</b>



The Motion was **Carried**

***FOR VOTE - Unanimous***

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**21 [CNR-CM] Richmond Tweed Regional Library 2014/15 Budget Report**

328

**Cr P Youngblutt  
Cr C Byrne**

**RESOLVED** that Council:

1. Endorses the recommendation to create one extra full time equivalent Library Assistant's position to be funded by Tweed Shire Council by an offsetting reduction in the Tweed Library Resources budget as identified in the Richmond Tweed Regional Library Extraordinary business paper 16 April 2014.
2. Adopts the draft 2014/15 Richmond Tweed Regional Library Budget.
3. Adopts the draft 2014/15 Richmond Tweed Regional Library Fees and Charges.

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***

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**22 [CNR-CM] Deed of Variation relating to Commonwealth Grant Funding for Community Case Management**

329

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Accepts the variation and funds of \$345,066 from the Australian Government Department of social services and votes the expenditure.
2. Affixes the Common Seal of Council as required to the variation documents.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**LATE ITEM**

330

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that Item a22 [CNR-CM] EQ2014-067 Evaluation of Expressions of Interest for Tweed Shire Council's Environmental Sustainability Strategy 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***

**a22 [CNR-CM] EQ2014-067 Evaluation of Expressions of Interest for Tweed Shire Council's Environmental Sustainability Strategy**

331

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council:

1. In relation to EQ2014-067, approves the following shortlist of consultants to invite to tender for the development of an Environmental Sustainability Strategy for Tweed Shire Council:
  - ARUP Pty Ltd
  - Buckley Vann
  - Ironbark Sustainability
  - RPS Manidis Roberts
  - Institute for Sustainable Futures
  
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

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

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

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**23 [E-CM] Limpinwood - Road Closure Application**

332

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council objects to the closure of the section of Crown Road north and northwest of Lot 730 in DP 866735 at Limpinwood.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**24 [E-CM] Urliup - Road Closure Application**

333

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council does not object to the closure and private purchase of the Crown Road Reserve within and south of Lot 7 DP 810164 and within Lot 12 DP 810164 at Urliup.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

334

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that all necessary documentation relevant to the acquisition and dedication of road of Lots 1 to 13 in DP 860666 be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**26 [E-CM] Classification of Land for Drainage Reserve - Casuarina**

335

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Approves the transfer of proposed Lot 79 in the plan of subdivision of Lot 49 in DP1182599 at Casuarina; and
2. Classifies proposed Lot 79 in the plan of subdivision of Lot 49 in DP1182599 at Casuarina as Operational Land; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**27 [E-CM] Crown Road Closure - Dungay, Kynnumboon and Nobbys Creek**

336

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council does not object to the closure and private purchase of the Crown Road Reserve at Dungay, Kynnumboon and Nobbys Creek within Lot 1 DP 202929, Lots 4 and 5 DP 1081491, Lot 3 DP 712699 and Lot 1 DP 1166995: west and within Lot 2 DP 128866; west of Lot 12 DP 549088 and Lot 3 DP 626514 and partly associated with properties at 109 and 478 Campbells Road Dungay and 224-343 Brooks Road, Kynnumboon.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**28 [E-CM] Urban Addressing - Kirkwood Road, Tweed Heads South**

337

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council resolves to not rename the section of Kirkwood Road west of Fraser Drive at this time.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**29 [E-CM] Classification of Land for Future Requirements - Casuarina**

338

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Approves the transfer of proposed Lot 55 in the plan of subdivision of Lot 49 in DP1182599 at Casuarina; and
2. Classifies proposed Lot 55 in the plan of subdivision of Lot 49 in DP1182599 at Casuarina as Operational Land; and
3. All necessary documentation be executed under the Common Seal of Council

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**30 [E-CM] Piggabeen - Road Closure Application**

339

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council does not object to the closure and purchase of the Crown Road reserve east of Lots 1 and 2 DP 621810 and Lot 10 DP 800128 at Piggabeen.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**31 [E-CM] Restriction on the Use of Land - Mahers Lane, Terranora**

340

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that all documents creating the Restriction on the Use of Land within Lot 2 DP 706332 for the purpose of prohibiting subdivision of the development, be signed under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**32 [E-CM] EQ2012-032 (B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier**

341

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that in relation to EQ2012-032 (B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier Council accepts the continued involvement of nominated Suppliers for the period 1 July 2014 until 30 June 2015 as follows:

<b>SUPPLIER</b>	<b>MATERIAL</b>	<b>LOCATION</b>
Budds Mitre 10	Hardware/ Plumbing	Murwillumbah
L&H Group	Electrical	Tweed Heads South
Southern Cross Fasteners	Hardware	Tweed Heads South
Twd Hds Plumbing	Plumbing	Tweed Heads South
Ideal Electrical Supplies	Hardware / Electrical	Murwillumbah
Aussie Fasteners	Hardware	Murwillumbah
Cetnaj	Electrical	Tweed Heads South
Tweed Bolt Supplies	Hardware	Tweed Heads South
Haymans Electrical	Electrical	Tweed Heads South

The Motion was **Carried**

**FOR VOTE - Unanimous**

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### 33 [E-CM] EC2014-040 Supply and Delivery of Water Treatment Chemicals and Industrial Gases

342

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EC2014-040 Supply of Water Treatment Chemicals and Industrial Gases to the following suppliers for the period 1 July 2014 until 30 June 2016 with provision for a further two (2) year extension option:

Supplier	Schedule	Chemical / Gas
Omega Chemicals	A	Aluminium Chlorohydrate
	B	Aluminium Sulphate
	E	Citric Acid Solution
	J	Sodium Metabisulphite Powder
Air Liquide	C	Carbon Dioxide Gas
Orica	D	Chlorine Gas
	F	Citric Acid Powder
	K	Magnesium Hydroxide Liquid ( MHL)
	N	Sodium Hydroxide
Redox	O	Sodium Hypochlorite
	G	Hydrated Lime
	M	Potassium Permanganate
Quantum Chemicals	H	Hydrofluosilicic Acid
	I	Sodium Bisulphate Solution
Chemiplas Australia	L	Polymer

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. 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**

**34 [E-CM] EC2014-039 Sprayed Bituminous Surfacing at Various Locations**

343

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EC2014-039 Sprayed Bituminous Surfacing at Various Locations to RPQ Spray Seal Pty Ltd for the period 1 July 2014 until 30 June 2016.
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 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***

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**35 [E-CM] EC2014-038 Provision of Linemarking Service**

344

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EC2014-038 Provision of Linemarking Service to Allstate Linemarking Service Pty Ltd for a two (2) year period commencing 1 July 2014 until 30 June 2016.
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. ATTACHMENT 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**

**36 [E-CM] EC2014-041 Annual Supply and Delivery of Pressure Pipe and Various Water Service Fittings**

345

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the Contract EC2014-041 Annual Supply of Pressure Pipe and Various Water Service Fittings to the following suppliers for the period 1 July 2014 until 30 June 2015 with provision for a further two (2) by twelve (12) month extension options:

Schedule	Description	Supplier
A	Water Service Fittings	Elster Metering, Tweed Heads Plumbing Supplies
B	Water Meters, Back Flow Devices	Elster Metering, Pentair
C	Water Mains Pipe	Pentair
D	DWV RRJ Sewer Pipe	Iplex Pipelines
E	DWV Solvent Joint Sewer Pipe	Iplex Pipelines
F	Sewer Rising Main Pipe	Pentair
G	RRJ Sewer Fittings	Iplex Pipelines
H	Polyethylene Pipe	Tweed Heads Plumbing Supplies
I	Copper Pipe	J H Williams
J	Misc items	Iplex Pipelines , Cadia
K	Hydrant & Valve Blocks, Meter Boxes	Pentair, Cadia Group
L	Water Main Valves	Pentair Ventomat
M	Water Main Ductile Iron Fittings	Pentair, Aussie Fasteners

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. 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**

**37 [E-CM] EC2012-273 Extensions to Tweed Regional Museum Murwillumbah**

346

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. The net approved variations to date amounting to \$163,870.27 (exclusive of GST) and the potential variation for exhibition lighting for Contract EC2012-273 Extensions to Tweed Regional Museum Murwillumbah be received and noted.
2. The General Manager is given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**38 [E-CM] EC2014-052 Provision of a Panel of Providers for Soil Testing and Geotechnical Services**

347

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council accepts the list of providers below at their Tendered Rates for the contract EC 2014-052 Request for Panel of Providers for the Provision of Soil Testing and Geotechnical Investigation Services for a two (2) year period:

<b>Tenderer</b>
Butler Partners Pty Ltd
Cardno Bowler
Douglas Partners Pty Ltd

<b>Tenderer</b>
GHD Pty Ltd
Golder Associates
Maiden Geotechnics
SMEC Australia Pty Ltd
Soil Surveys Pty Ltd

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**

### 39 [E-CM] EQ2014-019 Supply of Selected Materials

348

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EQ2014-019 Supply and Delivery of Selected Materials for the Period 1 July 2014 until 30 June 2015 to the following suppliers:

<b>ITEM</b>	<b>SUPPLIER</b>
Herbicides	Williams Group Australia Pty Ltd
Premix Cement	Williams Group Australia Pty Ltd
Bagged Cement	Williams Group Australia Pty Ltd
Reinforcing Mesh	Williams Group Australia Pty Ltd
Ag Pipe	Williams Group Australia Pty Ltd
900mm Dia. PVC SW Pipe	Williams Group Australia Pty Ltd
Geotextile Materials	Geofabrics Australasia
Electrode 12P	Williams Group Australia Pty Ltd
Form Ply 2.4 x 1.2	Williams Group Australia Pty Ltd
Woven Silt Film	Geofabrics Australasia
Star Pickets	Williams Group Australia Pty Ltd

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**40 [E-CM] EQ2014-061 - Panel for Real Estate Agency Services**

349

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council in accordance with Tender EQ2014-061 Provision of Real Estate Agency Services for the Disposal of Council Land, for a term of five (5) years appoints a panel in accordance with the Tender Evaluation Report as follows:

OneAgency Brett Swales  
Professionals Coolangatta Tweed  
Ray White Gold Coast South

2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**41 [E-CM] Annual Indexation of Infrastructure Contribution Rates - Section 94 Plans (Developer Contributions)**

350

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council notes the indexation of Section 94 Plan contribution rates as detailed in this report and in accordance with the:-

1. Provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000,
2. ABS Implicit Price Deflator (IPD) index as adopted in each Section 94 Plan,
3. Tweed Shire Council Land Cost index for March 2014 as published in the 2014/2015 Revenue Policy and Statement and adopted in each Section 94 Plan and
4. Clause entitled "Adjustment of Contribution Rates" as adopted in each Section 94 Plan.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

Cr G Bagnall declared a Pecuniary Interest in Item 42. The nature of the interest is that Cr G Bagnall owns a property in a flood prone area. 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 7:28 PM.

351

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

**PROPOSED** 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.

**AMENDMENT**

352

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

**RESOLVED** that this item be deferred for a workshop.

The Amendment was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

The Amendment on becoming the Motion was **Carried** - (Minute No 352 refers)

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

Cr G Bagnall has returned from temporary absence at 07:36 PM

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### **43 [E-CM] Altitude Aspire Planning Agreement Public Notification**

353

**Cr C Byrne**

**Cr P Youngblutt**

**PROPOSED** that the draft Altitude Aspire Planning Agreement be publicly notified for a period of no less than 28 days in accordance with Regulation 25D of the Environmental Planning and Assessment Regulation 2000.

#### **AMENDMENT**

354

**Cr M Armstrong**

**Cr K Milne**

**RESOLVED** that the draft Altitude Aspire Planning Agreement be publicly notified for a period of no less than 42 days in accordance with Regulation 25D of the Environmental Planning and Assessment Regulation 2000.

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 354 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**

**44 [E-CM] Draft Pedestrian Access Mobility Plan - Public Exhibition**

355

**Cr K Milne**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Places on public exhibition the Draft Pedestrian Access Mobility Plan for a period of 28 days and seeks submissions for a period of 42 days.
2. A further report be brought back to Council following the conclusion of the exhibition period.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**45 [E-CM] Car Parking - Margaret Olley Art Centre, Mistral Road, South Murwillumbah**

356

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

**RESOLVED** that Council:

1. Restricts on-street parking in Mistral Road between the Tweed Regional Art Gallery - Margaret Olley Art Centre and Scott Street by relocation of the double centre lines, subject to Local Traffic Committee endorsement.
2. Endorses the development of Option 1 in the report being the 28 off site car parking spaces in Eric Whittle Park subject to further consultation with the adjoining community and funding being identified and secured for the project.
3. Requests additional vegetative screening be considered by officers to provide a greater visual barrier between the adjacent residential properties on the understanding that this may result in the loss of 2 car spaces.
4. Notes the other actions relating to traffic and signage within the report which will be undertaken by Officers.

The Motion was **Carried**

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***FOR VOTE - Unanimous***

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**46 [E-CM] Water Demand Management - Residential Water Saving Program for 2014-2015**

357

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

**RESOLVED** that Council endorses the key Demand Management Strategy actions proposed in this report to be implemented in 2014-2015, subject to the adoption of the Budget.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**47 [E-CM] Submission of Integrated Water Cycle Management (IWCM) Strategy, Six Year Review.**

358

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

**RESOLVED** that Council:

1. Notes the relevant content of submissions received on the draft Integrated Water Cycle Management Strategy, Version 3.0, following from the exhibition period from 6 January 2014 to 21 March 2014, as contained in the Submissions Report prepared by Hydrosphere; and
2. Adopts the Integrated Water Cycle Management Strategy, Version 4.0, which incorporates all of the corrections and changes arising from feedback received during the exhibition period.
3. Submits the adopted Integrated Water Cycle Management Strategy to the NSW Office of Water for their concurrence.
4. Considers unfunded actions in Level 2 and Level 3 of the Integrated Water Cycle Management as part of the broader Environmental Sustainability Strategy (ESS).

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**LATE ITEM**

359

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

**RESOLVED** that Item a47 [E-CM] Purchase of Bulk Water to Supply North Byron Parklands 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**

**a47 [E-CM] Purchase of Bulk Water to Supply North Byron Parklands**

360

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

**RESOLVED** that Council:

1. Reduces the bulk water charge rate for water supplied to North Byron Parklands for the 2014/2015 financial year to two times the rate for bulk water use within the Shire, as listed in the Fees and Charges.
2. Reviews this arrangement following a detailed assessment of the 'out of shire' bulk water charge rate applied for all sales of bulk water outside the Tweed Shire.

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**

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**REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES**

**48 [CS-CM] Mayor and Councillors Annual Remuneration 2014/2015**

361

**Cr B Longland**  
**Cr M Armstrong**

**RESOLVED** that:

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1. The fees payable for the Mayor and Councillors for the 2014/2015 financial period be:

Mayor	\$39,110
Councillors	\$17,930

In accordance with the maximum fees as determined by the Local Government Remuneration Tribunal.

2. Councillors choosing not to accept an increase from 2013/2014 fees payable can elect to return their additional amount to Council's general revenue account number A0007.3318 which has been established in Council's chart of accounts for this purpose.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**49 [CS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2014/2015 Operational Plan and Resourcing Strategy**

362

**Cr G Bagnall  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Adopts the following plans, as exhibited and amended: Delivery Program 2013/2017, Operational Plan 2014/2015, Revenue Policy and Statement 2014/2015, Part A, Budget 2014/2015, Part B, Fees and Charges 2014/2015 Part C and Resourcing Strategy 2013/2023.
2. Notes that Item 73 of the 2014/2015 Fees and Charges be retained at the same amount as charged in 2013/2014.

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***

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**50 [CS-CM] Local Preference Update**

363

**Cr G Bagnall  
Cr P Youngblutt**

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**RESOLVED** that Council receives and notes the report on Local Preference.

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**

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**51 [CS-CM] In Kind and Real Donations - January to March 2014**

364

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council notes the total in kind and real donations of \$36,820.87 for the period January to March 2014.

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**

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**52 [CS-CM] Monthly Investment and Section 94 Contributions Report for Period Ending 31 May 2014**

365

**Cr G Bagnall**  
**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 May 2014 totalling \$175,709,044 be received and noted.

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**

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**LATE ITEMS**

366

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Items a52 [CS-CM] Code of Meeting Practice Version 2.4.1 and b52 [CS-CM] IPART - Local Government Compliance and Enforcement - Tweed Shire Council Submission being Addendum items be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a52 [CS-CM] Code of Meeting Practice Version 2.4.1**

367

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Updates the Code of Meeting Practice Versions 2.4.1 Part 5.13 - Unacceptable Motions by the following:
  - Deletion of the wording - *"is an amendment which is a direct negative of the motion which it proposes to amend"*, and be replaced by the addition of the wording - *"in all but town planning matters and land use applications, is an amendment which is a direct negative of the motion which it proposes to amend."*
2. Dispenses with the requirement of advertising the minor amendment and in accordance with Section 161 of the Local Government Act 1993 adopts the Code of Meeting Practice version 2.4.1.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**b52 [CS-CM] IPART - Local Government Compliance and Enforcement - Tweed Shire Council Submission**

368

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council lodges the submission included in this report to IPART in response to the 39 recommendations contained in the Draft Report on *Local Government Compliance and Enforcement*.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**ORDERS OF THE DAY**

**53 [NOM] Holiday Rentals**

**NOTICE OF MOTION:**

369

**Cr B Longland**  
**Cr W Polglase**

**PROPOSED** that:

1. A report be submitted to a future Council meeting which provides the scope for the preparation of a holiday letting strategy paper suitable for public exhibition, similar to that recently prepared for Byron Shire Council, which identifies suitable holiday letting areas in the Tweed Shire, as well as a range of appropriate planning mechanisms needed to support this strategy.
2. This project be afforded a Priority 1 status along with other projects within the Planning Reforms Works Program.
3. Holiday Rentals be submitted as an issue for the Local Government NSW State Conference in October 2014.

**AMENDMENT**

370

**Cr C Byrne**  
**Cr K Milne**

**RESOLVED** that:

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1. A report be submitted to a future Council meeting which provides the scope for the preparation of a holiday letting strategy paper suitable for public exhibition, similar to that recently prepared for Byron Shire Council, which identifies suitable holiday letting areas in the Tweed Shire, as well as a range of appropriate planning mechanisms needed to support this strategy.
2. The report also includes areas that are not suitable for holiday letting in those areas which holiday letting is permitted.
3. This project be afforded a Priority 1 status along with other projects within the Planning Reforms Works Program.
4. Holiday Rentals be submitted as an issue for consideration at the Local Government NSW State Conference in October 2014.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 370 refers)

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

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## 54 [NOM] Social and Economic Impact of Council Budgets

### NOTICE OF MOTION:

371

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

**RESOLVED** that Council notes that Tweed Shire Council budgets have a direct social and economic impact on the Tweed community and requests that in placing draft Budgets on public exhibition Council includes:

1. A snapshot of the economic health of the Tweed community with particular reference to business activity, economic and social disadvantage experienced by Tweed residents and ratepayers, and degree of housing stress;
2. An executive summary which outlines the impact of the draft budget upon the businesses, residents, and ratepayers of the Tweed; and
3. A brief overview in the annual report, where possible, of the success of the economic, environmental and social initiatives implemented during the previous economic year.

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***

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**55 [NOM] Federal Budget**

**NOTICE OF MOTION:**

372

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council:

1. Notes the significant impact of the Australian Federal Government 2014-15 budget on the Tweed Shire Council and that it will result in at least a \$268,378 cut to the Tweed Shire in the next financial year and at least \$1,085,133 over the next three years;
2. Notes that the Federal Government budget jeopardises the Tweed Shire Council's ability to continue to provide the same level of service and the same level of infrastructure renewal without increasing fees and charges;
3. Notes that in accordance with Council's own studies and research that many in the Tweed Community are facing financial difficulties and rely upon services provided by the public sector including the Tweed Shire Council;
4. Notes that the financial viability of rural and regional councils and communities will be disproportionately hurt by the Australian Federal Government 2014-15 budget given their greater reliance on the Federal Government's Financial Assistance Grants; and
5. Writes to the Federal Treasurer and the Federal Minister for Infrastructure and Regional Development, with a copy to be forwarded to the Federal Member for Richmond, condemning the Federal Government's decision to hurt rural and regional communities by freezing Financial Assistance Grants to local councils and cutting the financial assistance to Pensioner subsidies.

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***

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**56 [NOM] Receipt of Electronic Petitions**

**NOTICE OF MOTION:**

373

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council brings forward a report outlining options for the receipt of electronic petitions including, but not limited to, electronic alternatives to requirements for signatures and other methods to ensure the integrity of petitioners.

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***

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**57 [NOM] Online Community Engagement**

**NOTICE OF MOTION:**

374

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council reviews its current online community engagement strategies to ensure the integrity of the collected information and data and, pending the outcome of the review, presents all data obtained from online community engagement separately from other engagement strategies to enable the identification of potentially distorted responses.

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***

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**58 [NOM] Support for a Gas Field Free Northern Rivers**

**NOTICE OF MOTION:**

375

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that the Mayor writes to the:

1. NSW Premier, Mr Mike Baird, NSW Planning Minister, Ms Pru Goward, Member for Ballina, Mr Don Page, and copies in all NSW Government MPs calling for all Petroleum Exploration Licenses (PEL) that impinge on the Tweed Shire to be revoked and the region declared Gas Field Free.
2. Northern Rivers Regional Organisation of Councils, Rous Water, Northern Rivers Tourism, Destination Tweed, Tweed Cane Growers Association, the Tweed Combined Rural Industries, Tweed Shire Business Chambers and the Caldera Environment Centre to inform them of this resolution; and seek their support to revoke these licenses.

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***

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**59 [NOM] Transforming Public Spaces into Social Living Rooms**

**NOTICE OF MOTION:**

376

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Council holds a workshop on the potential for developing a program to transform Tweed's public open spaces into social living rooms as undertaken recently by New York City.

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***

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**60 [NOM] Advice for Councillors from Council's Advisory Committees**

**NOTICE OF MOTION:**

This motion lapsed due to the lack of a seconder.

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**61 [NOM] Aboriginal Peoples of the Tweed Valley**

**NOTICE OF MOTION:**

377

**Cr G Bagnall**  
**Cr B Longland**

**RESOLVED** that in recognition of the long history of aboriginal peoples of the Tweed Valley, Council:

1. Seeks the input of the Aboriginal Advisory Committee (AAC), to consider the inclusion of appropriate known traditional aboriginal names for sites of significance within the Shire. This includes:
  - (a) Parks and public reserves that do not have officially adopted names;
  - (b) Selected parks and reserves that could be considered for dual naming by Council;
  - (c) The dual naming of selected named geographical features of significance to the local Indigenous community in accordance with the Geographical Names Board dual naming policy for geographical features and cultural sites; and
  - (d) Where appropriate, signage for towns, villages and place names that have an aboriginal origin be redesigned, which may include the traditional meaning of those names and a suitable indigenous theme.
2. A report be brought back to the July 2014 Council meeting with a preliminary response from the AAC to these proposals in order to coincide with NAIDOC week.

**AMENDMENT**

378

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

**PROPOSED** that in recognition of the long history of aboriginal peoples of the Tweed Valley, Council:

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1. Seeks the input of the Aboriginal Advisory Committee (AAC), to consider the inclusion of appropriate known traditional aboriginal names for sites of significance within the Shire. This includes:
  - (a) Parks and public reserves that do not have officially adopted names;
  - (b) Selected parks and reserves that could be considered for dual naming by Council;
  - (c) The dual naming of selected named geographical features of significance to the local Indigenous community in accordance with the Geographical Names Board dual naming policy for geographical features and cultural sites; and
  - (d) Where appropriate, signage for towns, villages and place names that have an aboriginal origin be redesigned, which may include the traditional meaning of those names and a suitable indigenous theme.
2. Brings back a report to a future council meeting.

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 377 refers)

**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**

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## QUESTIONS ON NOTICE

### 62 [QON] Challenges facing Performing and Creative Arts

#### QUESTION ON NOTICE:

Councillor M Armstrong asked:

What are the impediments facing the promotion and expansion of the Creative and Performing Arts industries in the Tweed Shire and what actions could be undertaken by the Tweed Shire Council to help reduce these impediments?

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The Acting Director Community and Natural Resources advised that Council currently invests significantly in a range of creative arts opportunities in the community including:

1. A significant investment in the Tweed Regional Gallery.
-

2. Auditoria in Tweed Heads and Murwillumbah supporting local theatre groups, musical societies and individual performances.
3. Council contributes to Arts Northern Rivers which identifies its core business as providing:
  - Assistance for arts organisations and enterprises, including advice on development, planning and funding;
  - Communications and promotion initiatives, which aim to put local arts events, artists and creative practitioners in the limelight;
  - Cultural planning assistance for local councils, including consultation on arts and cultural policy and strategy;
  - Professional development programs for arts workers and practitioners.
  - Regional networks across various art forms and interest areas, including Creative Industries, Festivals & Events, Indigenous Arts and Youth Arts.
4. Program staff in Community and Cultural Services work closely with the community to develop creative and performing arts programs for young people, Aboriginal cultural projects, and Accessible Arts.

There are acknowledged gaps and impediments with regards to the performing arts in the Tweed as Council currently provides the space but does not have allocated staff for this purpose. There is no program budget for the purpose of supporting the performing arts.

Funding programs are managed by the State and Commonwealth governments to support the arts and Council supports applications for grants to a wide range of community organisations.

Following the Phase 2 restructure Council's community and cultural development unit will review Tweed Council's Cultural Plan and will work towards improving the alignment of programs with infrastructure and public spaces to provide opportunities for local performing and visual artists. A Cultural Plan will facilitate greater coordination across Council's Cultural and Community services teams to enhance the promotion of Council's contribution to creative industries.

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## **63 [QON] Tweed Shire Waterways**

### **QUESTION ON NOTICE:**

Councillor K Milne asked:

1. Can Council identify the recreational activities on the Tweed Shires waterways that are considered to cause significant, moderate and minor erosion problems?
  2. Are there any legal impediments to Council and the Roads and Maritime Authority working towards developing a ban on excessive wake generating activities?
-

The Acting Director Community and Natural Resources advised that the impact of wake on Tweed River Bank Erosion Study (SMEC, 2012) provides significant detail on the matter. The Council report of October 2013 'River Bank Erosion - Council Options for Management' provides additional information.

It was concluded in the SMEC report that:

- Vessel wake has the potential to cause and increase erosion of river banks in the study area, particularly the sheltered upper estuary.
- Towing activities are the vessel activities most likely to cause wake waves capable of causing significant bank erosion. This is due to the repetitive nature of the activity within a river reach, the practice of vessels coming onto and off the plane numerous times and undertaking turns under power to retrieve fallen riders. It was identified that wake boarding has the potential to cause higher energy waves than water skiing due to the typically slower speeds at which wake boarding is practiced. The maximum wave energy that is created by all small powered vessels is similar, and occurs as vessels are moving at approximately nine knots and coming onto, or off a planing trim.
- Wake from towing activities has become a dominant river bank erosion mechanism in the Tweed estuary.

Based on Councils resolution to adopt the recommendations of the October 2013 report referred to above, Council has written to RMS seeking increased regulation of towing activities and wake enhancement on the Tweed River. The relevant recommendations are copied below:

*"That Council:*

1. *Writes to both the NSW Office of Environment and Heritage and NSW Roads and Maritime Services highlighting the level of erosion vulnerability of certain sections of the Stotts Island river bank, and recommend to Roads and Maritime Services and Office of Environment and Heritage that the river reach adjacent to Stotts Island be designated as a no towing zone.*
2. *Writes to NSW Roads and Maritime Services (RMS) advising the department that Council considers use of wake enhancement devices and wake surfing on the Tweed River to be incompatible with Council's objective of reducing river bank erosion and the related impacts on roads and the environment. RMS be requested to ban use of such devices and wake surfing on the Tweed River."*

There is no known legal impediment to Council requesting RMS to support a ban on excessive wake generating activities. Council have already done this, and sought support for increased protection for Stott's Island from the owner of the nature reserve, Office of Environment and Heritage. It is understood however from the advice given by Minister Gay that no ban is likely to occur in the immediate future. It is also noted that the Ministers letter advises that there will be a review of the Tweed River Boating Plan of Management. RMS have been advising Council this will occur since approximately 2011, though at this time it does not appear that the project has been commenced.

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## DELEGATE REPORTS

Nil.

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 64 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 April 2014

379

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

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 April 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

#### **A2 (c) Koori Kids - NAIDOC Week School initiative**

*That Council:*

1. *Allocates the funds of \$450 previously provided to Koori Kids to the Tweed NAIDOC Committee for the purchase of children's promotional material for distribution at NAIDOC Week 2014.*
2. *Releases annual funding to the Tweed NAIDOC Committee of \$2,060 for NAIDOC Week celebrations 2014.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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### 65 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 1 May 2014

380

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

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 1 May 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] Brisbane Street, Murwillumbah**

*That the parking spaces on Brisbane Street, once removal of the on-road outdoor dining blister is completed, be designated as "2 hour limited 9.00am to 5.00pm Monday to Friday" and "9.00am to 12.00 noon Saturday."*

**A2 [LTC] Kyogle Road, Bray Park**

*That a bus zone be installed on the south side of Kyogle Road between Ray Street and Thomas Street, Bray Park.*

**A3 [LTC] Tweed Valley Banana Festival 2014-05-02**

*That the proposed temporary road closures to support the conduct of the Tweed Valley Banana Festival on 29 and 30 August 2014 be approved subject to standard conditions as follows:*

- 1. NSW Police approval being obtained*
- 2. Endorsement of the event by Murwillumbah District Chamber of Commerce*
- 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 one week 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 particularly Murwillumbah Fire brigade and Murwillumbah Ambulance*
- 10. Arrangements made for private property access and egress affected by the event*

**A4 [LTC-LATE] Bay Street, Tweed Heads**

*That following completion of the Bay Street upgrade, all timed on street parking between Wharf Street and Thomson Street in Bay Street is to be designated "2 P during normal business hours, 9.00am - 5.00pm Monday to Friday 9 - 12 Saturday".*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**66 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Wednesday 7 May 2014**

381

**Cr P Youngblutt**

**Cr M Armstrong**

**RESOLVED** that the Minutes of the Floodplain Management Committee Meeting held Wednesday 7 May 2014 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**67 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 8 May 2014**

382

**Cr P Youngblutt**

**Cr M Armstrong**

**RESOLVED** that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 8 May 2014 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**CONFIDENTIAL COMMITTEE**

383

**Cr B Longland**

**Cr M Armstrong**

**RESOLVED** that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

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The Motion was **Carried**

***FOR VOTE - Unanimous***

## **CONFIDENTIAL ITEMS FOR CONSIDERATION**

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

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

#### **C1 [CNR-CM] Expressions of Interest - Sports Advisory Committee**

#### **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 26

That Council:

1. Notes the receipt of applications for the Sports Advisory Committee for additional community representatives;
2. Writes to each sporting club and organisation within the Tweed Shire to advise them of the vacancies within the Sports Advisory Committee and provide each group the opportunity to nominate additional candidates and for them to provide to Council expressions of interest; and
3. Brings forward a report of any additional candidates and providing assessments as to the suitability of each candidate at the August Council meeting.

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384

**Cr B Longland**  
**Cr K Milne**

**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 9.51pm.

↑ ○

**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**