



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 20 February 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 5.00pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Acting Director Technology and Corporate Services), Mr Paul Morgan (Acting Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs 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, Pastor Bob Spence:

"Don't take yourself too seriously

Reading: Romans 12:3

For I say, through the grace given to me, to everyone who is among you, not to think of himself more highly than he ought to think, but to think soberly, as God has dealt to each one a measure of faith.

On our road to success we need to be able to laugh at ourselves, "...success depends more on our attitude than it does on how important we think we are. Life should be fun. Even if our job is important and should be taken seriously, that doesn't mean we should take ourselves seriously. We will go further in life and have a better time doing it if we maintain a sense of humour, especially when it comes to ourselves."

Prayer:

Father our prayer today is that you would guide each and every councillor in their deliberations today.

We ask for wisdom in all decisions made and pray that our attitudes would bring glory to your Holy Name as we serve our community honestly and joyfully.

We ask this in Jesus Name, Amen."

CONFIRMATION OF MINUTES

- 1 **[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held on Thursday 23 January 2014**

62

Cr C Byrne
Cr K Milne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 23 January 2014 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Troy Green, General Manager, wishes to declare a Non Significant Non Pecuniary Interest in Item 32 [EO-CM] Naming of Avenue of Pines, Terranora the "Terranora Memorial Avenue of Pines". The nature of the interest is that Mr Green owns property in Nassau Avenue within the Azure Estate.

Troy Green, General Manager, wishes to declare a Non Significant Non Pecuniary Interest in Item C2 [EO-CM] Park Naming - Terranora. The nature of the interest is that Mr Green owns property in the near vicinity of the proposed park site.

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.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for the month of January 2014

SUBMITTED BY: Cr B Longland, Mayor

63

Cr B Longland

RESOLVED that the Mayoral Minute for the month of January 2014 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

4 [ROP] Receipt of Petitions

64

**Cr B Longland
Cr M Armstrong**

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

1. Object to the Planning Department's removal of the extremely popular and long time occasional fruit stall which the Yarrow family has operated in the vicinity of the Byangum Bridge, now known as Col Wiley Park. It is a wonderful opportunity for residents and tourists to purchase fresh local produce. Col Wiley Park is an extremely safe place for such a stall to be operated from. We enjoy driving around the Tweed and being able to buy local, fresh produce from other such roadside stalls which do not appear to have been told to move on.
 2. We are concerned with both the safety of children on the school bus, which uses the road plus the health, and safety caused by dust of the general community. We request the Tweed Shire Council to seal the remaining 1800 metres of unsealed gravel in Hopkins Creek Road, between the end of the existing sealed section to the School Bus turn-around.
-

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

5 [GM-CM] Organisational Structure

65

Cr P Youngblutt

Cr M Armstrong

RESOLVED that Council:

1. In accordance with Sections 332 and 333 of the Local Government Act 1993 determines the executive and senior staff structure as outlined in the body of this report, effective Monday 24 February 2014, being:

General Manager
Director Corporate Services
Director Engineering
Director Planning and Regulation
Director Community and Natural Resources

2. Endorses the addition within the organisation structure of the new role of Executive Officer to report directly to the General Manager.

The Motion was **Carried**

FOR VOTE - Unanimous

6 [GM-CM] Community Organisations on Council Land - Developer Contributions

66

Cr W Polglase

Cr P Youngblutt

RESOLVED that Council place the draft Policy "Developer Contributions – Community Organisations" on public exhibition for 28 days, inviting public submissions for 42 days, and

the Policy, if adopted, will apply retrospectively to DA13/0362, Tweed Heads Community Men's Shed, and DA13/0025, Kingscliff Mini School.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [GM-CM] Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel - October 2013 - Submission

67

**Cr W Polglase
Cr M Armstrong**

RESOLVED that Council submits this report and attachment titled *'Tweed Shire Council response to the Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel - October 2013* to the Division of Local Government.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [GM-CM] Local Government Acts Taskforce - Response to October 2013 Report

68

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the Council report and Attachment 1 be submitted to the Division of Local Government in response to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [GM-CM] Tumbulgum Farmers Markets

69

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Council:

1. Reinstall water and toilet facilities at the Farmers Market site at Tweed Valley Way, Tumbulgum.
2. ATTACHMENT 1 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.

AMENDMENT

70

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council defers consideration of this item until the option for relocation of the farmers market to the Bruce Chick Park has been determined.

The Amendment was **Lost**

FOR VOTE - Cr K Milne

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

The Motion was **Carried** - (Minute No. 69 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

10 [GM-CM] Tweed Education and Industry Forum

71

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council receives and notes the report on the core objectives of the Tweed Education Industry Forum (TEIF) and supports its continued involvement.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C 79C Evaluation

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note: See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

(2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note: The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

11 [PR-CM] Planning Reform Unit - Mid-Year Work Program Update and Review

72

**Cr K Milne
Cr G Bagnall**

PROPOSED that:

1. The Planning Reform Unit - Mid-Year Work Program Update and Review be received and noted.
2. Council endorse the advancement of the previously adopted planning processes as a priority:
 - i. an LEP amendment limiting building heights in Fingal Head to two storeys; and
 - ii. a new Development Control Plan (DCP) for Fingal Head.

AMENDMENT 1

73

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that the Planning Reform Unit - Mid-Year Work Program Update and Review be received and noted.

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

AMENDMENT 2

74

**Cr M Armstrong
Cr G Bagnall**

RESOLVED that:

1. The Planning Reform Unit - Mid-Year Work Program Update and Review be received and noted.
2. Council endorse the advancement of the previously adopted planning processes.

Amendment 2 was **Carried** - (Minute No. 74 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

Amendment 2 on becoming the Motion was **Carried** - (Minute No. 74 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

12 [PR-CM] Statutory Requirements for Roadside Stalls

75

Cr P Youngblutt

Cr W Polglase

RESOLVED that the report on Statutory Requirements for Roadside Stalls be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] Placemaking and Public Art Policy

76

Cr B Longland

Cr W Polglase

RESOLVED that Council adopts the Placemaking and Public Art Policy Version 1.3.

Cr G Bagnall temporarily left the meeting at 05:53 PM.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall

14 [CNR-CM] Community Membership on Aboriginal Advisory Committee

77

Cr C Byrne
Cr K Milne

RESOLVED that Council makes the following appointments to the Aboriginal Advisory Committee:

Member Organisation	Nominated Delegate
Tweed Byron Local Aboriginal Land Council	Des Williams Gina Combo (alternate) Larrissa Smyth (alternate)
Tweed Wollumbin Aboriginal Education Consultative Group	Jackie McDonald Glenda Nalder (alternate) Marcia Browning (alternate)
Canowindra - Cedric House	Aunty Joyce Summers Victor Slockee (alternate) Veronese Burgess (alternate)
Bugalwena Aboriginal Health Service	Ronella Phillips Letitia Kelly (alternate) Dana Williams (alternate)
Tweed Aboriginal Corporation for Sport	Leweena Williams Larrissa Smyth (alternate) Kerry Lehmann (alternate)
Tweed Aboriginal Housing Co-op	Desrae Rotumah Russell Logan (alternate)

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

Cr G Bagnall has returned from temporary absence at 05:56 PM

15 [CNR-CM] Donations (Financial Assistance) Policy Version 1.2

78

Cr M Armstrong
Cr P Youngblutt

RESOLVED that Council adopts the Donations (Financial Assistance) Policy Version 1.2.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Access and Inclusion Policy Version 1.1

79

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Council adopts the Access and Inclusion Policy Version 1.1.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Tweed Shire Coastal Hazards Assessment 2013

80

**Cr M Armstrong
Cr K Milne**

RESOLVED that:

1. Council adopts the Tweed Shire Council Hazards Assessment, November 2013 as the basis for development of the Kingscliff Coastal Zone Management Plan and an updated Tweed Shire Coastline Coastal Zone Management Plan;
2. Council adopts the Immediate Hazard Line, Maximum 2050 Hazard Line and Maximum 2100 Hazard Line as assessed and mapped by BMT WBM (November 2013) as the basis for planning and management of coastal erosion hazard in Tweed Shire;
3. Council initiates a general review of Tweed Development Control Plan section B25 – Coastal Hazards prior to reporting to Council and placing the document on public exhibition with revised November 2013 mapping for the immediate, 2050 and 2100 Hazards Zones; and
4. Council's Section 149(2) Planning Certificate information relating to the latest coastal erosion hazards be adjusted to coincide with the upgrade of information required by the commencement of recent amendments to the Exempt and Complying State Environmental Planning Policy (Known as the Codes SEPP) on 22 February 2014 and notify in writing those landowners affected by the adjustment.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Acceptance of Grant - NSW Department of Primary Industries Fisheries Habitat Action Grants

81

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Council accepts the grant of \$26,000 from the NSW Department of Primary Industries for implementation of the Bilambil Creek Riparian Restoration Project and votes the expenditure in the March 2014 quarterly budget review.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Stairs and Other Options to Access Beach at Chinderah

82

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that a decision on the construction of access to the small beach at Chinderah be deferred until Council's whole of Shire access and inclusion plan has been completed and considered, including consideration of the needs of Chinderah residents.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [CNR-CM] River Health Grants

83

**Cr M Armstrong
Cr G Bagnall**

RESOLVED that Council approves the following River Health Grant:

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Goodall	Byangum	400	Revegetate and stabilise eroding river bank.	\$5,760

The Motion was **Carried**

FOR VOTE - Unanimous

21 [CNR-CM] Biodiversity Grants

84

**Cr M Armstrong
Cr G Bagnall**

RESOLVED that Council approves the following Biodiversity Grants to assist the private landowner to undertake the project listed in the table:

Name	Area	Estimate (\$)	Description
Hickel	Doon Doon	4,500	Site Action Plan and six person days of ecological restoration
	Total	\$4,500	

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] Northern Rivers Fire and Biodiversity Consortium - Funding Management

85

**Cr M Armstrong
Cr G Bagnall**

RESOLVED that Council:

1. Accepts and administers the \$25,000 funding from Local Land Services on behalf of the Northern Rivers Fire and Biodiversity Consortium.
2. Votes the expenditure in the March 2014 quarterly budget review.

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***

23 [CNR-CM] Water Demand Management Key Performance Indicators and Progress Report for 1 July 2012 to 31 December 2013

86

**Cr M Armstrong
Cr G Bagnall**

RESOLVED that Council notes the:

1. Performance of the Demand Management Strategy implementation against the adopted overall Key Performance Indicators.
2. Performance indicators for individual programs.

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***

24 [CNR-CM] Tyalgum Transfer Station - Consultation on Options for a Scenic Lookout and Transfer Station Closure

87

**Cr G Bagnall
Cr P Youngblutt**

PROPOSED that Council:

1. Continue to operate the Tyalgum transfer station.
2. Trial opening the station every second weekend (Saturday and Sunday) for a six month period.
3. Officers bring forward a report at the conclusion of the trial for consideration of this option as a permanent solution if found to be successful.
4. Gives consideration to allocating funds in the 2014/2015 Budget to create a low key lookout above the transfer station.

AMENDMENT

88

**Cr K Milne
Cr C Byrne**

RESOLVED that the Tyalgum Transfer Station item be deferred to 10 April 2014 Council meeting for Council Officers to bring forward an updated report as to negotiations with the community.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No. 88 refers)

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

25 [CNR-CM] Waste Management - Strategic Directions for Tweed Shire Council

89

**Cr C Byrne
Cr M Armstrong**

RESOLVED that:

1. Council notes the Draft Integrated Waste Strategy as provided and places it on public exhibition for a minimum of 28 days.
2. At the conclusion of the public exhibition period a further report be tabled for consideration by Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.28pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.15pm

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

26 [EO-CM] EC2013-222 Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg

90

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. Council awards the contract EC2013-222 - Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg to CJD Equipment for the amount of \$184,469 (exclusive of GST).
 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:-
- (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

27 [EO-CM] EC2013-245 Expression of Interest for the Supply of Tyres and Tyre Services

91

Cr K Milne

Cr M Armstrong

RESOLVED that:

1. Council accepts the Tender for EC2013-245 as submitted for the supply of Tyres and Tyre Services under a Panel of Providers arrangement using the New South Wales Government Contract 367 and Ancillary Service Charges. The supply arrangement will be for a two year period from the date of determination with a possible twelve (12) month extension option.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [EO-CM] EC2013-217 Supply of Electricity Small Sites from 1 July 2014

92

Cr K Milne

Cr M Armstrong

RESOLVED that in relation to [EO-CM] EC2013-217 Supply of Electricity Small Sites from 1 July 2014, Council:

1. In accordance with Section 55(3) of the Local Government Act 1993 and Clause 163(1A) of the Local Government (General) Regulation 2005 notes participation in the Local Government Procurement tender process for Small Site Electricity (for contracts in place prior to 1 July 2014).
2. Accepts the recommendation provided by Local Government Procurement and enters a Retail Electricity Supply Agreement (RESA) with Powerdirect Pty Ltd
3. Endorses the General Manager's execution of the Retail Electricity Supply Agreement (RESA) with Powerdirect Pty Ltd. The agreement will commence 1 July 2014 and conclude on 31 December 2016.
4. ATTACHMENTS 1-5 and 7-9 are 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:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (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

29 [EO-CM] Update of Development Control Plan A2 - Site Access and Parking Code

93

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. The public exhibition of draft Tweed Development Control Plan, Section A2 – Site Access and Parking Code, be undertaken for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979.
 2. At the conclusion of the public exhibition period a further report be submitted to Council.
 3. The Draft DCP Section A2-Site Access and Parking Code, Table 1 Locality Specific Customer Parking Concession Areas be amended to include the Villages of Bilambil (RU5) and Kielvale (RU5) prior to exhibition.
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The Motion was **Carried**

FOR VOTE - Unanimous

30 This item was withdrawn and will be submitted for consideration at a future Council meeting.

31 [EO-CM] Sealing of Gravel Roads

94

Cr G Bagnall

Cr K Milne

PROPOSED that the priority for upgrading gravel roads be assessed by a multi-criteria analysis, including:

1. The remaining 1.4km of gravel pavement of Round Mountain Road be included in the Infrastructure Program, commencing with alignment and concept design; and initiation of environmental assessment and property acquisition negotiations in 2014/2015 leading to the upgrading and sealing.
2. The priority for upgrading gravel roads be assessed by a multi-criteria analysis, including:
 - Road safety – gives higher priority to roads with a poor accident history.
 - Road alignment and width – give higher priority to roads where the alignment or width is below standard and/or inappropriate for the road function.
 - Traffic count – give higher priority to higher traffic.
 - Network hierarchy – give higher priority for higher functional class. Give higher priority to network linkages that provide connectivity around the Tweed Valley, and lower priority to no-through roads.
 - Transport task – give higher priority to roads that provide for the movement of traffic in support of the economy, or that are bus routes.
 - Cost benefit and environmental impacts.
3. Prioritised recommendations for sealing of gravel roads be included in the Infrastructure Program when it is reported to Council as part of its budget deliberations.

AMENDMENT

95

Cr K Milne
Cr P Youngblutt

RESOLVED that the priority for upgrading gravel roads be assessed by a multi-criteria analysis, including:

1. The priority for upgrading gravel roads be assessed by a multi-criteria analysis, including:
 - Road safety – gives higher priority to roads with a poor accident history.
 - Road alignment and width – give higher priority to roads where the alignment or width is below standard and/or inappropriate for the road function.
 - Traffic count – give higher priority to higher traffic volume.
 - Network hierarchy – give higher priority for higher functional class. Give higher priority to network linkages that provide connectivity around the Tweed Valley, and lower priority to no-through roads.
 - Transport task – give higher priority to roads that provide for the movement of traffic in support of the economy, or that are bus routes.
 - Cost benefit and environmental impacts.
2. Prioritised recommendations for sealing of gravel roads be included in the Infrastructure Program when it is reported to Council as part of its budget deliberations.

The Amendment 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

The Amendment on becoming the Motion was **Carried** - (Minute No. 95 refers)

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

32 [EO-CM] Naming of Avenue of Pines, Terranora the "Terranora Memorial Avenue of Pines"

Troy Green, General Manager, declared a Non Significant Non Pecuniary Interest in Item 32. The nature of the interest is that Mr Green owns property in Nassau Avenue within the Azure Estate. Mr Green will manage the interest by vacating the Chamber and taking no part in the discussion on the matter.

96

Cr K Milne
Cr M Armstrong

RESOLVED that Council calls for comment regarding the naming of the avenue of pines located adjacent to Nassau Avenue within the Azure Estate the "Terranora Memorial Avenue of Pines" in accordance with Council's Policy for the Naming of Public Parks.

The Motion was **Carried**

FOR VOTE - Unanimous

33 **[EO-CM] Acquisition of Land for Sewer Pump Station - Cox Drive Tweed Heads South**

97

Cr K Milne
Cr P Youngblutt

RESOLVED that:

1. Council approves the acquisition of approximately 7.5m² of land from Lot 2 in DP516010 for Sewer Pump Station.
2. Council approves the amount of compensation payable to the landowner as shown in the body of the report.
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

34 **[EO-CM] Road Closure - Piggabeen Road, Tweed Heads West**

98

Cr K Milne
Cr P Youngblutt

RESOLVED that:

1. Council approves the closure of part of the road reserve adjacent to Lot 80 in DP 32023, Piggabeen Road, Tweed Heads West;

2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer;
3. The title of the closed road is consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [EO-CM] Consolidation of Council Land - 33 Tumbulgum Road, Murwillumbah

99

**Cr K Milne
Cr P Youngblutt**

RESOLVED that Council:

1. Approves the consolidation of Lots 16 and 17 in DP 9487 to satisfy the requirements of consent condition 13 of K99/232; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

36 [TCS-CM] Corporate Quarterly Report - 1 October to 31 December 2013

100

**Cr K Milne
Cr P Youngblutt**

RESOLVED that Council endorses the Corporate Quarterly Report as at 31 December 2013.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [TCS-CM] Delivery Program Six Monthly Exception Report - 1 July to 31 December 2013

101

Cr K Milne

Cr P Youngblutt

RESOLVED that Council receives and notes the Delivery Program Exception Report for the six months from 1 July to 31 December 2013.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [TCS-CM] Quarterly Budget Review - December 2013

102

Cr K Milne

Cr P Youngblutt

RESOLVED that the:

1. Quarterly Budget Review Statement as at 31 December 2013 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2014.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	296,172	0
Materials & Contracts	18,359,765	0
Interest	0	0
Other Operating costs	80,000	0
Capital	18,566,339	0
Loan Repayments	0	0
Transfers to Reserves	756,900	0
	<hr/>	
	38,059,176	0

Description	Change to Vote	
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	100,000
Operating Grants & Conts	0	978,806
Capital Grants & Conts	0	0
User Charges & Fees	41,000	0
Other Operating Revenue	4,000	0
Loan Funds	0	9,346,148
Recoupments	0	4,600,187
Transfers from Reserves	0	21,429,035
Asset Sales	0	1,650,000
	45,000	38,104,176
Net Surplus/(Deficit)	0	
	Deficit	Surplus
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	424,870	0
Interest	0	0
Other Operating costs	0	0
Capital	0	1,445,639
Loan Repayments	0	0
Transfers to Reserves	0	2,965,672
	424,870	4,411,311
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	688,338	0
Operating Grants & Conts	17,533	0
Capital Grants & Conts	543,418	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	1,969,270	0
Transfers from Reserves	767,882	0
Asset Sales	0	0
	3,986,441	0
Net Surplus/(Deficit)	0	
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	140,485	0
Interest	0	0
Other Operating costs	0	0
Capital	0	266,108
Loan Repayments	0	0
Transfers to Reserves	0	1,241,221
	140,485	1,507,329

Description	Change to Vote	
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	397,340	0
Operating Grants & Conts	116,950	0
Capital Grants & Conts	638,246	0
User Charges & Fees	315,318	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	155,050	0
Transfers from Reserves	0	256,060
Asset Sales	0	0
	<hr/>	<hr/>
	1,622,904	256,060
Net Surplus/(Deficit)		<hr/>
		0

The Motion was **Carried**

FOR VOTE - Unanimous

39 [TCS-CM] Code of Meeting Practice Version 2.4

103

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the Code of Meeting Practice Version 2.4 be adopted.

The Motion was **Carried**

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

40 [TCS-CM] Legal Services Register as at 31 December 2013

104

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that the Legal Services Register as at 31 December 2013 be received and noted.

Cr M Armstrong temporarily left the meeting at 08:00 PM.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

41 [TCS-CM] In Kind and Real Donations - October to December 2013

105

Cr K Milne
Cr C Byrne

RESOLVED that Council notes the total in kind and real donations of \$45,968.73 for the period October to December 2013.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

Cr M Armstrong has returned from temporary absence at 08:01 PM

42 [TCS-CM] Investment Policy, Version 1.8

106

Cr K Milne
Cr C Byrne

RESOLVED that Council:

1. Adopts the amended Investment Policy (Version 1.8) in accordance with Section 161(1)(a) of the Local Government Act 1993.
2. In accordance with Section 161(2) of the Local Government Act 1993 considers that the amendments to the Investment Policy Version 1.8 are not substantial and therefore no public exhibition of the policy is required.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [TCS-CM] Monthly Investment Report for Period Ending 31 January 2014

107

**Cr K Milne
Cr C Byrne**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 January 2014 totalling \$172,333,991 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

44 [NOR-Cr W Polglase, Cr G Bagnall, Cr C Byrne] Environmental Levy 2015/2016

108

**Cr W Polglase
Cr K Milne**

RESOLVED the resolution at Minute Number 50 of the Ordinary Council meeting held 23 January 2014 at Item b35 [TCS-CM] Environmental Levy 2015/2016 being:

" that Council:

- 1. Proceeds to include information on a proposed 2015/2016 Environmental Levy in the 2014/2015 Integrated Planning and Reporting process based on the Tweed River Bank Management Project, funded by an ordinary rate increase of 1% for a period of 10 years.*
- 2. Consults with the community on the alternatives as detailed within this report."*

be rescinded

The Motion was **Carried**

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

45 [NOM-Cr W Polglase] Environmental Levy 2015/16

NOTICE OF MOTION:

109

**Cr B Longland
Cr M Armstrong**

PROPOSED that any further consideration of an Environmental Levy be deferred until Council completes:

1. The Environmental Sustainability Strategy
2. An analysis of alternative funding sources for environmental projects, and
3. An assessment of the community's capacity to pay such a levy.

AMENDMENT 1

110

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that:

1. Council proceeds to include information on a proposed 2015/16 Environmental Levy in the 2014/15 Integrated Planning and Reporting process based on the following projects (2 below) or a combination of projects and time frames, funded by an Ordinary Rate increase of 1% for a period of 10 years.
2. The following identified Environmental Projects (Existing and Proposed) should be considered and would benefit the community should additional funding be provided.
 - Biodiversity and Council Bushland Management
 - Vertebrate Pest Management
 - Sustainable Agriculture Program
 - Sustainability Programs
 - Integrated Water Cycle Management
 - River Bank Management

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

111

AMENDMENT 2

**Cr K Milne
Cr G Bagnall**

RESOLVED that any further consideration of an Environmental Levy be deferred until Council completes:

1. The Environmental Sustainability Strategy,
2. An analysis of alternative funding sources for environmental projects,
3. An assessment of the community's capacity to pay such a levy, and
4. This process be completed to enable consideration of a proposed Environmental Levy in the 2015/16 integrated planning and reporting framework process for the 2016/17 financial year.

Amendment 2 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**

Amendment 2 on becoming the Motion was **Carried** - (Minute No. 111 refers)

**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**

46 [NOM-Cr B Longland] Tweed Roads Contribution Plan

NOTICE OF MOTION:

112

**Cr B Longland
Cr K Milne**

RESOLVED that the exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the Tweed Roads Contribution Plan be reviewed by Council officers and a report brought back to a future Council meeting.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

47 [NOM-Cr M Armstrong] Community Markets

NOTICE OF MOTION:

113

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council:

1. Prepares a review of the Tweed Shire Council Market Management Plan Guidelines and related planning controls and considers methods to promote financially sustainable local community markets and to promote local food and produce; and
2. To better inform the review, enters into negotiations with a suitable existing market manager to commence a six month trial at an existing market to allow up to 10 food vendors to trade at these markets and consults with local and nearby retail facilities to obtain their feedback as to the economic impact of the additional food vendors in the authorised markets.

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***

48 [NOM-Cr M Armstrong] Public Open Space

NOTICE OF MOTION:

114

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council officers bring forward a report outlining the proposed public open space strategy identified in the Delivery Program 2013-2017 including information on:

1. The state of existing public open spaces focusing on, but not limited to, public facilities;
2. The status of current Section 94 contributions plan for open spaces; and
3. Identify future funding opportunities to increase the provision of public open space.

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***

49 [NOM-Cr M Armstrong] Sustainable Building Showcase

NOTICE OF MOTION:

115

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council notes the experience and expertise of the local building industry in developing innovative and sustainable designs and, to showcase the skills of the local community:

1. Develops design criteria for a new public toilet facility to showcase various aspects of sustainable design including, but not limited to, water reclamation, water use minimisation, energy efficiency, energy production, passive solar design, and financial affordability;
2. Determines where such a building could be constructed or which existing building could be retrofitted;
3. Seeks tenders from architectural and design firms and practices to find a design for a public toilet facility for consideration in accordance with the design criteria in the 2015-16 financial year; and
4. Seeks tenders to construct the successful design to be constructed by 30 June 2016.

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***

50 [NOM-Cr M Armstrong] Minjungbal Drive Streetscaping

NOTICE OF MOTION:

116

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council undertakes a review of the current streetscape of Minjungbal Drive between the interchange with the Pacific Highway and the Kennedy Drive exit.

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

51 [NOM-Cr G Bagnall] Wildlife Carers

NOTICE OF MOTION:

117

Cr G Bagnall
Cr K Milne

RESOLVED that the General Manager arranges a briefing session for relevant staff, by suitably licensed and trained wildlife carers, to improve Council's workforce awareness of injured wildlife and to build working relationships with wildlife carers.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

52 [NOM-Cr G Bagnall] Council Committees

NOTICE OF MOTION:

118

Cr G Bagnall
Cr K Milne

RESOLVED that Council requests the Council Committees, which have not stipulated the length of appointment of the Chairperson, to annually elect a Chairperson, beginning at the end of the current twelve month period (September, 2014).

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

53 [NOM-Cr G Bagnall] Tweed Life Education Committee

NOTICE OF MOTION:

119

**Cr G Bagnall
Cr M Armstrong**

PROPOSED that, in view of the need to support the work of the Tweed Life Education Committee with the funding required to ensure that as many of the Tweed's primary school children as possible are able to attend the sessions provided by this important organisation, Council:

1. Supports the following principle of our charter, which states "To promote and provide and plan for the needs of children", by increasing its annual contribution to \$30,000 in the 2014/2015 draft budget to Tweed Life Education Committee.
2. Writes to the Education Minister, Hon Adrian Piccoli, and request that public schools provide a base level of funding to support Life Education in the public school system.

AMENDMENT

120

**Cr C Byrne
Cr W Polglase**

RESOLVED that, in view of the need to support the work of the Tweed Life Education Committee with the funding required to ensure that as many of the Tweed's primary school children as possible are able to attend the sessions provided by this important organisation, Council:

1. Supports the following principle of our charter, which states "To promote and provide and plan for the needs of children", by increasing its annual contribution to \$6,000 in the 2014/2015 draft budget to Tweed Life Education Committee.
2. Requests that the board of Life Education provides a report to Council for future funding for this community service.
3. Writes to the Education Minister, Hon Adrian Piccoli, and request that public schools provide a base level of funding to support Life Education in the public school system.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No. 120 refers)

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

AGAINST VOTE - Cr G Bagnall

54 [NOM-Cr K Milne] Large Scale Solar Investment

NOTICE OF MOTION:

121

**Cr K Milne
Cr M Armstong**

RESOLVED that Council:

1. Notes the investment by the Sunshine Coast Council to create a solar farm which is expected to provide \$10 million in savings to the Council over 30 years.
2. Officers bring forward a report which gives consideration to investment in large scale solar energy systems and energy efficiency initiatives and possible options for funding.
3. Notes that the report in (2) above will be prepared following the finalisation of the Environmental Sustainability Strategy and in consideration of actions adopted by Council at its 28 August 2013 meeting regarding the Renewable Energy Think Tank Action Plan.

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

55 [NOM-Cr K Milne] Wildlife Nesting Boxes

NOTICE OF MOTION:

122

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council brings forward a report on the possibility of coordinating with the Men's Sheds, or other organisations or businesses, to provide wildlife nesting boxes for sale through the Council Civic Centres.

Cr W Polglase temporarily left the meeting at 10:07 PM.

AMENDMENT

123

**Cr M Armstrong
Cr K Milne**

PROPOSED that the Wildlife Nesting Boxes item be deferred for a workshop with representatives from the local Men's Sheds.

The Amendment was **Lost**

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

Cr W Polglase has returned from temporary absence at 10:14 PM

The Motion was **Lost** - (Minute No. 122 refers)

**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**

56 [NOM-Cr K Milne] Saltmarsh

NOTICE OF MOTION:

124

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council brings forward a brief report on the state of saltmarsh in the Shire and options for a way forward to address any current or potential issues.

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**

125

**Cr B Longland
Cr M Armstrong**

RESOLVED that the meeting be extended beyond 10.00pm.

The Motion was **Carried**

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

57 [NOM-Cr K Milne] Industrial Waste Inspections

NOTICE OF MOTION:

This item was withdrawn.

58 [NOM-Cr K Milne] Great Barrier Reef

NOTICE OF MOTION:

126

Cr K Milne
Cr M Armstrong

RESOLVED that Council writes to the Federal Minister for the Environment in regard to the recent approval for the dumping of dredge spoil in the Great Barrier Reef Marine Park to express our concerns about the potential impact to the marine environment, including the likely negative flow on impacts to tourism, including in our northern rivers region, and to request the government review this decision.

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

59 [NOM-Cr K Milne] Lillies Island Seagrass

NOTICE OF MOTION:

This item was withdrawn.

QUESTIONS ON NOTICE

60 [QON-Cr K Milne] Tweed Shire Comprehensive Coastal Assessment Report

QUESTION ON NOTICE:

Councillor K Milne asked:

1. What areas of the Tweed estuary were at, or near, carrying capacity for safe boating distances, according to the Tweed Shire Comprehensive Coastal Assessment Report, and what was the carrying capacity for the Chinderah reach at the time of this study?
2. Has there been any new studies to determine if boating levels have changed since the Comprehensive Coastal Assessment Report?

The Director Community and Natural Resources advised that:

1. The NSW Comprehensive Coastal Assessment Toolkit prepared by the NSW Department of Planning in 2007 does not contain information on carrying capacity for safe boating distances. The *Tweed River Estuary Recreational Boating Facilities Study* prepared by Patterson Britton & Partners in September 2008 and commissioned by Tweed Shire Council calculated an environmental carrying capacity for navigable areas of the Tweed River from the Tweed River mouth to Bray Park Weir.

Chapter 6 of the *Tweed River Estuary Recreational Boating Facilities Study* contains the methodology for calculating environmental carrying capacity for the Tweed River from the mouth at Tweed Heads to Bray Park Weir.

This report noted that in some regions of the river estuary (*particularly upper reaches*) the environmental carrying capacity, as estimated using the stated methodology, is already potentially being exceeded locally during peak demand periods. The reaches upstream of the mid-point around Stotts Island to Bray Park Weir were all near, as at 2008, environmental carrying capacity with the reach between Tumbulgum to Condong above environmental carrying capacity. This is primarily the result of the concentration of high demand activities around boating facilities in this reach favoured for this type of high demand use namely towing activities.

At the time of the study the environmental carrying capacity which is the Carrying Capacity over the Current Vessel Activity, for the Chinderah Reach from Barneys Point Bridge to Tweed Broadwater was 96 vessels.

2. There have been no known studies since the *Tweed River Estuary Recreational Boating Facilities Study* (Patterson Britton & Partners, September 2008) to determine if boating levels have changed since 2007.
-

61 [QON-Cr K Milne] Renew Australia

QUESTION ON NOTICE:

Councillor K Milne asked:

Could Council invite Renew Australia to be involved in a Renew program for the Tweed Shire and what would such a process involve?

The Director Community and Natural Resources advised that Council could not exclusively invite Renew Australia to be involved in a Renew program for the Tweed Shire however if there was a budget allocation and a specific project and vision determined by Council then officers could invite tenders from several providers and or advertise a tender in an open process.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

62 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2013

127

**Cr B Longland
Cr M Armstrong**

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2013 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

63 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2013

128

**Cr B Longland
Cr M Armstrong**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2013 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA2. Stocking of Fish in Clarrie Hall Dam

That Council writes to the research body, Southern Cross University, noting that Council has a strong interest in the stocking of fish in Clarrie Hall Dam project and requests regular updates and collaboration on the progress of the project.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

129

**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.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL ITEMS FOR CONSIDERATION

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Organisational Structure

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).

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
-

C 4

That Council:

1. In accordance with Sections 337 and 350 of the Local Government Act 1993 supports the lateral transfer of the current Director Community and Natural Resources to the new position of Director Engineering, effective from Monday 24 February 2014.
2. In accordance with Sections 337 and 338 of the Local Government Act 1993 supports the offering of 3 year contract extensions to the two continuing Directors.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr C Byrne

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

C2 [EO-CM] Park Naming - Terranora

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).

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
-

C 5

That Council calls for comments regarding the naming of the park located on the corner of Terranora Road and Sunnycrest Drive (Azure Estate), Terranora the "Betty Judd Park" in accordance with Council's Policy for the Naming of Public Parks.

The Motion was **Carried**

FOR VOTE - Unanimous

C3 [EO-CM] Lease to Telstra - Depot Road, Kings Forest

REASON FOR CONFIDENTIALITY:

This reports relates a commercial lease transaction between Council and Telstra.

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
-

C 6

That Council approves the extension of the sunset clause 10.3 of the lease with Telstra over Lot 1 DP 397082 to 21 June 2016.

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

130

Cr B Longland
Cr M Armstrong

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 10.38pm.



Minutes of Meeting Confirmed by Council

at the

Council Meeting held on xxx

Chairman