



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

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

Minutes

Ordinary Council Meeting Thursday 16 April 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 5.00pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance), Mr Peter Brack (Corporate Compliance Officer) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Phil Gibb of Murwillumbah Baptist Church.

"Mr Mayor, Councillors, Council Staff, and members of the public.

Let us Pray

Almighty God, Father in heaven whose name is hallowed, in your splendour and greatness you have formed this beautiful world, in your wisdom you always give true direction, guidance and purpose.

We are needful of your presence and assistance in all we do.

We acknowledge the responsibility of leading and governing in this great and most beautiful shire - with the diversity of its people, its community groups and clubs of service and leisure, its businesses and schools and medical departments.

Today we humbly seek your presence and wisdom among our civic leaders of this Tweed Shire Council. We ask that you guide all present that we would not cause offenses against you or one another as deliberations proceed. We thank you for the blessing of your presence and the privilege to serve this community.

May you be honoured in all that is done in this session of Council.

We pray in the name of Jesus Christ your Son, who gave Himself for our sins and you raised from death to give us life.

Amen."

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 March 2015

194

**Cr P Youngblutt
Cr K Milne**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 March 2015 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

LATE ITEM

195

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that Item a1 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

a1 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 9 April 2015

196

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 9 April 2015 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR-CM] Schedule of Outstanding Resolutions

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

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for March 2015

197

Cr G Bagnall

RESOLVED that:-

1. The Mayoral Minute for the month of March 2015 be received and noted with the inclusion of the following:

Attended by other Councillor(s) on behalf of the Mayor

1 March 2015 Cr Longland attended the awards presentation for the North Coast Zone Junior Surf Life Saving Carnival at Salt.

6 March 2015 Cr Longland attended International Womens Day awards at Pioneer Park at Tweed Heads South.

14 March 2015 Cr Longland attended Opening of Seniors Week at Tyalgum Community Hall.

2. The attendance of Councillors at nominated Conferences be authorised.

- **Cr G Bagnall** to attend the Mayor's Weekend Seminar - Sydney CBD on 2-3 May 2015.
- **Cr K Milne** to attend the One day Workshop to Discover Blue Economy Business Opportunities to be held on Friday May 29 @ BDO, Level 10, 12 Creek Street, Brisbane.

Further details available from <http://www.moss.org.au/Do-we-need-to-rethink-Sustainability-to-DO-BUSINESS-BETTER->

The Motion was **Carried**

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

RECEIPT OF PETITIONS

4 [ROP] Receipt of Petitions

198

Cr P Youngblutt
Cr M Armstrong

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

- Petition containing 353 signatories advising that:

"RE: PHILLIP TAYLOR & WARREN TAYLOR - ATS - TWEED SHIRE COUNCIL - LAND & ENVIRONMENT COURT - PROCEEDINGS NOS: 41060 OF 2014 and 41059 of 2014

We the undersigned are aware of the Petition dated 12 February 2014, that residents and workers of South Murwillumbah were encouraged to sign in an effort to have Phil Taylor tidy up his premises in South Side. We were surprised to learn that although the Petition HAD A MERE TOTAL OF 44 SIGNATURES, Phil and his son Warren are now embroiled in a Court Case in Sydney.

WE DO NOT APPROVE of Council spending money on legal fees, court fees, investigator's fees, travel costs, accommodation costs etc to deal with a Court Case in Sydney on what is a minor issue in our local community!! ***As members of our small***

country town we want to support our local people and local business and to have our local Council spend its money on worthwhile issues. Both Phil and Warren are being treated far too harshly for their failure to comply within the given time. The property has now been tidied up and, as such, the issue should be considered dealt with.

As to the issue of a fence not being erected across the front of his premises, we do not understand how a second hand car business can survive if it is forced to erect a fence (with no gaps) in front of its merchandise. Would Council ask a window front business to hang curtains with no gaps? It makes no sense and does not necessitate a Court Case!

We support Phil and Warren Taylor and do not agree with, or approve of Council's actions. NOTE: At the time of signing this petition we were offered the opportunity to read the Affidavits of the Planning and Regulation Division of Tweed Shire Council affirmed/dated 25 February 2015 which sets out the breaches."

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 5 [GM-CM] The City Slider on Boundary Street, Tweed Heads - Response to Council requests for information from Meeting held 19 March 2015

199

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council determines if it supports the application to hold the event subject to the conditions provided by the Local Traffic Committee which met on 16 April 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

- 6 [GM-CM] 2017 Surf Life Saving Australia Championships IRB Championships at Kingscliff Beach

200

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council notes the submission of the Expression of Interest for the conducting of the 2015 NSW IRB Championships was unsuccessful, and agrees to support the 2017 Australian IRB Championships.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [GM-CM] NSW Cross Border Commissioner - Business Plan 2015-18

201

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council receives and notes the NSW Cross Border Commissioner - Business Plan 2015-18; and issues an open invitation to the NSW Cross Border Commissioner to attend future Tweed Shire Council Meetings and Workshops to discuss issues of mutual interest.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [GM-CM] Economic Development Strategy for Regional NSW - NSW Trade and Investment

202

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council receives and notes the Economic Development Strategy for Regional NSW.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Cessation of Operations - Australian Volunteer Coast Guards and Future Use of Facilities - Ed Parker Rotary Park and Faulks Park at Kingscliff

203

Cr G Bagnall
Cr M Armstrong

RESOLVED that Council approves:

1. Recording the history of and formally acknowledging the service of the Australian Volunteer Coast Guards Association Kingscliff Flotilla members past and present;
2. Entering into an interim 12 month licence and lease respectively with Marine Rescue NSW for the Kingscliff Radio Tower within Crown Reserve 1001008 comprised in Lot 2 DP 1122062 and a portion of the Ed Parker Rotary Park building currently occupied by AVCGA as their training facility and boat storage within Lot 287 DP 542598;
3. The negotiation of a long term licence of the Kingscliff Radio Tower if requested by Marine Rescue NSW;
4. Entering into negotiations with Kingscliff Beach Fishing Club to establish mutually agreeable lease arrangements for their ongoing use of the training facility within Ed Parker Rotary Park; and
6. Executing all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

10 [CNR-CM] Draft Plan of Management - Bruce Chick Conservation Park

204

Cr W Polglase
Cr G Bagnall

RESOLVED that:

1. Council places the *Draft Plan of Management - Bruce Chick Conservation Park* on exhibition for 42 days.
2. A report be submitted to Council after the close of submissions.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [CNR-CM] Surf Life Saving Contract Summer Report 2014-2015

205

Cr K Milne
Cr M Armstrong

RESOLVED that the Australian Lifeguard Service Summer Report 2014-2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [CNR-CM] S94 Plan No 16 - Emergency Facilities (Surf Lifesaving) Revision of Works Program

206

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council notes and endorses the administrative revision of the works program shown in Appendix 1 of closed S94 Plan No 16 - Emergency Facilities (Surf Lifesaving) to allow for reallocation of unexpended funds from the completed Pottsville Outpost Building towards the Fingal Surf Club Upgrade and Salt SLSC facilities.

The Motion was **Carried**

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

13 [CNR-CM] Kerbside Bulk Waste Collection Service - Issues and Options - Contract EC2008-153

207

Cr W Polglase
Cr M Armstrong

RESOLVED that Council receives and notes this report on Kerbside Bulk Waste Collection Service - Issues and Options - Contract EC2008-158 and defers this item to hold an additional Workshop on this matter.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Community Halls Advisory Committee Membership

208

Cr C Byrne
Cr K Milne

RESOLVED that Council:

1. Endorses the following appointments to the Community Halls Advisory Committee:

Community Hall Management Committee	Nominated Delegate
Chillingham Community Hall Committee	Marie Edwards John Logan (alternate) Gwenda Shoobridge (alternate)
Crabbes Creek Community Hall Committee	Reg (Arthur Reginald) Robinson Margaret Hulburt (alternate) Tracy Butler (alternate)
Crystal Creek Community Hall Committee	Sylvia Conroy Sue Gresham (alternate) Rita Loughman(alternate)
Doon Doon Community Hall Committee	Steve Sweetnam Desiree Saunders (alternate) Barry Saunders (alternate)
Fernvale Community Hall Committee	Rick Dobbie Peter Hurcombe (alternate)
Limpinwood Community Hall Committee	Russell Costin Claire Masters (alternate)
Piggabeen Community Hall Committee	Marlene Protheroe Kathy Jobson (alternate) Geoff Davis (alternate)
Pottsville Beach Community Hall Committee	Janet Tkachenko Kaye Seiler (alternate) Ruth Clarke (alternate)
Tumbulgum Community Hall Committee	Ann Carkery Brian Breckenridge (alternate) Sue Breckenridge (alternate)

2. Adopts the Community Halls Advisory Committee Terms of Reference as per the attachment to this report.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Second Round Applications for Financial Assistance 2014/2015 - Donations Policy

209

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that

1. The amounts allocated in the Second Round Donations for 2014/2015 under the Donations Policy as listed be reduced by 6.3% and include the Murwillumbah Theatre Company in the amount of \$903.00, with the new allocations as follows:

Applicant	Amount	CSP/DP Linkage
1 st Chinderah Scouts	\$1,545	2.1.3
Burringbar School of Arts Hall	\$1,874	2.1.3
Chillingham Community Association	\$1,096	4.5.1
Enid Street Community Garden	\$1,874	4.5.1
Interrelate	\$1,640	2.3.1
Kingscliff RSL Sub Branch	\$1,405	2.1.3
Murwillumbah Theatre Complay	\$903	2.1.3
Tweed Palliative Support	\$1,874	2.3.1
U3A Tweed Coast Inc.	\$222	3.1.1
Vibe Care Ltd	\$1,874	2.1.6
TOTAL	\$14,307	

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

16 [CNR-CM] Tweed Shire Council Draft Environmental Sustainability Strategy

210

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council adopts the Tweed Shire Council Environmental Sustainability **Prioritisation** Strategy 2015 as a strategy of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] River Health Grants

211

**Cr G Bagnall
Cr M Armstrong**

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

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Armytage	Uki	400	Revegetation and environmental weed control to improve waterway health on tributary of the Smiths Creek.	\$6,000
Cunynghame	Uki	150	Bush regeneration and camphor laurel control, Tweed River.	\$5,200
O'Hare	Kunghur	1,000	Stock fencing to exclude cattle from degraded tributary of the Tweed River and revegetation.	\$10,000

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

18 [E-CM] Road Closure - Fernvale

212

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council objects to the closure and purchase of the Crown Road Reserve which runs along the southern boundary of Lot 52 DP755698 at Fernvale.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [E-CM] Road Closure - Rowlands Creek

213

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council objects to the closure and purchase of the Crown Road Reserve which runs through Lot 6 DP850164 at Rowlands Creek.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [E-CM] Road Closure - Tyalgum

214

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council object to the closure of the section of Crown road reserve which runs along the eastern boundary of Lot 6 DP 865116 and through Lot 7 DP 865116 at Tyalgum.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [E-CM] Road Closure - Temporary Road Lot 1 DP 880816 - Bay Street, Tweed Heads

215

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council approves the publication of a notice in the NSW Government Gazette to close the temporary road comprised in Lot 1 DP 880816 located at Bay Street, Tweed Heads.

The Motion was **Carried**

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

22 [E-CM] EC2014-184 Biosolid Removal from Wastewater Treatment Plants for use Outside TSC Boundary

216

Cr G Bagnall
Cr M Armstrong

RESOLVED that in respect to Contract EC2014-184 Biosolid Removal from Wastewater Treatment Plants for use Outside TSC Boundary:

1. Council awards the Contract EC2014-184 Biosolid Removal from Wastewater Treatment Plants for use Outside TSC Boundary to Arkwood (Gloucester) Pty Ltd (Trading As Arkwood Organic Recycling) ABN 70 055 370 486, ACN 055 370 486 for the following Rates (exclusive of GST) for a period of two (2) years at the rates below:

ITEM	DESCRIPTION	UNIT	RATE ONLY (GST Excl)
1	Biosolids, loaded from Contractor's hopper, removed from Banora Point WWTP and used outside of Tweed Shire.	Wet tonne	\$69.00
2	Biosolids, loaded from Council hopper, removed from Kingscliff WWTP and used outside of Tweed Shire	Wet tonne	\$67.00
3	Biosolids, loaded at Murwillumbah WWTP and used outside of Tweed Shire	Wet tonne	\$83.05
4	Biosolids, loaded at Hasting Point WWTP and used outside of Tweed Shire	Wet tonne	\$83.05

2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because 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

23 [E-CM] EC2015-026 Biosolid Collection from WWTPs, Cartage and Spreading for use Inside TSC Boundary

217

Cr G Bagnall

Cr M Armstrong

RESOLVED that in respect to Contract EC2015-026 Biosolid Collection from WWTPs, Cartage and Spreading for use Inside TSC Boundary:

1. Council awards the Contract EC2015-026 to C.L Reeve & L.H Reeve Trading as C & P Reeve Road Haulage & Drott Hire ABN 94 243 799 701 for the following Rates (Exclusive of GST) for a period of two (2) years with the option of two (2) successive 12 month extensions of the rates below:

ITEM	DESCRIPTION	UNIT	RATE (GST Excl)
1	Biosolids loading, cartage and spreading from locations where loading is required by contractor (Murwillumbah and Hasting Point WWTP) to spreading site		
	Cartage distance 0-10 km	/m3	\$15.00
	Cartage distance 10-20 km	/m3	\$20.00
	Cartage distance 20-30 km	/m3	\$25.00
2	Biosolids collection, cartage and spreading from locations with storage hopper (Kingscliff WWTP) to spreading site		
	Cartage distance 0-10 km	/m3	\$12.00
	Cartage distance 10-20 km	/m3	\$17.00
	Cartage distance 20-30 km	/m3	\$22.00

2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because 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

24 [E-CM] RFP2015-030 Expression of Interest Supply of Hardware, Electrical and Plumbing Materials as a Preferred Supplier

218

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that:

1. Council accepts the Preferred Suppliers listed in the body of this report for RFP2015-030 Supply of Hardware, Electrical and Plumbing Materials for the period from 1 July 2015 to 30 June 2016 with a further two (2) by twelve month extension options.
2. The Preferred Suppliers be contacted and requested to nominate the level of discount that will apply for all materials purchased by Council.
3. A further report be presented to Council for adoption of the applicable discount rates in Item 2.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] Rainwater Tanks - Council Policy, Rebates and Voluntary Register

Cr C Byrne temporarily left the meeting at 05:52 PM.

219

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council:

1. Reviews the "*Rainwater Tanks in Urban Areas (Version 2.1)*" Policy to cater for commercial and industrial development and that the revised Policy be renamed to "*Rainwater Tanks in Reticulated Areas of Tweed Shire*" for consideration at a future meeting of Council.
2. Proceeds with developing a rainwater tank rebate. The Rous Water rebate scheme could be used as a basis.

The Motion was **Carried**

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

Cr C Byrne has returned from temporary absence at 05:57 PM

26 [E-CM] Sponsorship of the 2015 Northern Rivers Science and Engineering Challenge

220

Cr G Bagnall
Cr M Armstrong

RESOLVED that Council becomes a Bronze Sponsor of the 2015 Northern Rivers Science and Engineering Challenge hosted by Southern Cross University, Lismore, with the Bronze contribution being \$500 excluding GST.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [E-CM] Extinguishment of Easement for Right of Footway - Turnock Street, Kingscliff

221

Cr G Bagnall
Cr M Armstrong

RESOLVED that Council:

1. Approves the release of the Easement for Right of footway 3m wide created in DP1071633 subject to the removal of the "Gas Bottle Enclosure" doors for T20 which intrude into the public road reserve and the owner entering into an airspace licence agreement to accommodate the awning encroachment into the public road reserve; and
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

28 [CS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2015/2016 Operational Plan and Resourcing Strategy

222

Cr M Armstrong
Cr B Longland

RESOLVED that the Delivery Program 2013/2017 incorporating amendments made by the Draft Operational Plan 2015/2016, Draft Revenue Policy and Statement 2015/2016, Operational Plan Budget 2015/2016 and Fees and Charges 2015/2016, be placed on public exhibition from 21 April to 29 May 2015 inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

AMENDMENT

223

Cr K Milne
Cr M Armstrong

PROPOSED that:

1. The Delivery Program 2013/2017 incorporating amendments made by the Draft Operational Plan 2015/2016, Draft Revenue Policy and Statement 2015/2016, Operational Plan Budget 2015/2016 and Fees and Charges 2015/2016, be placed on public exhibition from 21 April to 29 May 2015 inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.
2. Council signals its intent to increase the funding towards public bushland management and to fund the Minjungbal Drive Streetscaping Study in the long term financial plan.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No 222 Refers).

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

AGAINST VOTE - Cr K Milne

Cr P Youngblutt temporarily left the meeting at 06:12 PM.

29 [CS-CM] Call for Motions - 2015 National General Assembly

224

Cr K Milne
Cr M Armstrong

RESOLVED that Council submits the following Proposed Motions for consideration at the 2015 Australian Local Government Association National General Assembly:

1. Tweed Shire Council calls on the Commonwealth and respective State Governments, to provide Affordable Housing and increased and targeted support for people who find themselves homeless.
2. Tweed Shire Council calls on the Commonwealth and respective State Governments, to restore funding to Case Management for Aged Care Funding Programs, to enable the reinstatement and continuation of locally delivered support for aged people experiencing;
 - homelessness,
 - squaller,
 - complex needs, and
 - issues of guardianship and trusteeship.
3. The National General Assembly calls on ALGA National Executive to prioritise and increase its lobbying of the Commonwealth Government and Federal Treasurer, to reinstate indexing of the Financial Assistance Grants (FAGS).
4. Tweed Shire Council calls on the ALGA National Executive, to lobby the NSW State Government, to continue its current level of funding of the Pensioner Rebate Subsidy.
5. The National General Assembly calls for a greater share of State and Commonwealth funding to be directed to programs that improve environmental assets at a local level such as bush land management, vertebrate pest control, and erosion issues.

Cr P Youngblutt has returned from temporary absence at 06:13 PM

The Motion was **Carried**

FOR VOTE - Unanimous

30 [CS-CM] Procurement Policy, Version 1.6

225

Cr G Bagnall
Cr M Armstrong

RESOLVED that Council approves the placing of the draft Procurement Policy, Version 1.6 on public exhibition, in accordance with Section 160 of the Local Government Act 1993, for a period of 28 days allowing a period of 42 days for the receipt of written submissions.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 31 March 2015

226

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 March 2015 totalling \$207,755.109 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

32 [NOR] Plant Selection Guidelines for Landscaping Public Open Space

NOTICE OF RESCISSION:

227

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that the resolution from the meeting held on Thursday 19 March 2105 at Minute No 133 Item No 12 titled [CNR-CM] Plant Selection Guidelines for Landscaping Public Open Space being:

"that:

1. *Council amends all documentation guiding plant selection in public open space to include the following criteria:*
 - *100% locally occurring Australian native species to apply to all trees (with the exception of special community and cultural plantings such as community gardens, street fruit trees and memorial plantings), except in exceptional circumstances being the unavailability of plants for planting.*
 - *A minimum of 80% locally occurring native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).*
-

- *Where practical, locally occurring native plants should exceed these amounts.*
 - *Preferred turf species is Cynadon dactylon (Green Couch). Justification required if an alternative species is proposed.*
 - *Industry bred plants (cultivar or variety) are acceptable.*
 - *No noxious or environmental weeds are to be used.*
 - *A diversity of species is recommended wherever possible.*
2. *The native planting guide be revised for use as an amenity planting guide for the landscape industry, and fact sheets or similar be prepared to inform the industry on selecting locally occurring native plant species, and where they can be obtained."*

be rescinded.

The Motion was **Carried**

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.34pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.17pm

33 [NOM] Plant Selection Guidelines for Landscaping Public Open Space

NOTICE OF MOTION:

228

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that:

1. Council amends all documentation guiding plant selection in public open space to include the following criteria:
 - A minimum of 80% locally occurring Australian native species and maximum of 20% non locally occurring Australian native species to apply to all trees.
 - A minimum of 80% locally occurring native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
 - Where practical, locally occurring native plants should exceed these amounts.

- Preferred turf species is *Cynodon dactylon* (Green Couch). Justification required if an alternative species is proposed.
 - Industry bred plants (cultivar or variety) are acceptable.
 - No noxious or environmental weeds are to be used.
2. The native planting guide be revised for use as an amenity planting guide for the landscape industry, and fact sheets or similar be prepared to inform the industry on selecting locally occurring native plant species, and where they can be obtained.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [NOM] Fees and Charges for Small Businesses

NOTICE OF MOTION:

229

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council bring forward a report that includes the management comments and information that was circulated to Councillors on 16 April 2015, in regards to the typical annual fees for small businesses.

The Motion was **Carried**

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

35 [NOM] Peak Fossil Fuel

NOTICE OF MOTION:

230

**Cr K Milne
Cr M Armstrong**

PROPOSED that Council:

1. Acknowledges the potential impact of peak oil and other fossil fuels.
2. Include potential policy responses to peak oil impacts on Council operations and the community in the May 2015 Climate Change workshop.

The Motion was **Lost**

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

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

36 [NOM] Beyond Zero Emissions

NOTICE OF MOTION:

231

Cr K Milne

Cr M Armstrong

PROPOSED that Council:

1. Writes to Byron Shire Council to congratulate them on supporting the Zero Emissions Community initiative.
2. Invites Beyond Zero Emissions to a Council workshop.

The Motion was **Lost**

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

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

37 [NOM] NSW National Parks Acquisition Program

NOTICE OF MOTION:

232

Cr K Milne

Cr M Armstrong

RESOLVED that Council:

1. Communicates with the owners of Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum and Lots 176 and 177 DP 755701 Tweed River Islands, Cudgen and advise the owners of the National Parks and Wildlife Service Acquisition Program.
 2. Consults with the National Parks and Wildlife Service (NPWS) to develop an appropriate mechanism to refer appropriate properties as they arise.
-

The Motion was **Carried**

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

38 [NOM] Support for Western Australian Aboriginal Communities

NOTICE OF MOTION:

233

Cr K Milne
Cr B Longland

RESOLVED that Council:

1. Notes the march by the local Tweed Aboriginal community on 24 March 2015 at Tweed Heads to support the West Australian Aboriginal communities facing loss of funding and potential closure.
2. Notes the motion that was passed in the Senate.
3. Writes to the Prime Minister and Western Australia Government calling on them to reinstate the Municipal and Essential Services (MUNS) funding to West Australia, to abandon its plan to close Aboriginal communities, and to instead work with those communities to deliver essential services and support.

The Motion was **Carried**

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

39 [NOM] Homeless Accommodation in Murwillumbah

NOTICE OF MOTION:

234

Cr B Longland
Cr M Armstrong

RESOLVED that Council provides a letter of support to the Murwillumbah Rotary Club in their approach to the State Member for Lismore to obtain a suitable site on State owned land in Murwillumbah for the establishment of homeless accommodation.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [NOM] National Home Sustainability Rating Scheme

NOTICE OF MOTION:

235

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council submit the following motion to the ALGA National Conference:

Tweed Shire Council moves that the ALGA requests the Federal Government:

1. Develop a new national home sustainability rating scheme, covering energy, greenhouse and water performance to allow the sustainability approach to be broadened beyond 'low carbon' homes to 'low impact' homes, giving potential buyers a much clearer picture of a building's environmental performance and lifetime running costs.
2. Develop broadened and harmonised national rating scheme requirements across Australia so that assessment, implementation and compliance are uniform across the nation.

The Motion was **Carried**

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

QUESTIONS ON NOTICE

41 [QON-Cr Byrne] Kingscliff Swimming Pool

QUESTION ON NOTICE:

Councillor C Byrne asked:

"What is the cost to open and utilisation of the Kingscliff Swimming Pool for Sunday's over the past 12 months?"

The Director Community and Natural Resources responded that the cost to open the Kingscliff Pool for four hours each Sunday between 1 July 2014 to 30 March 2015 was approximately \$9,153. The income generated from paid entries over this same time was approximately \$1,425 leaving a shortfall of \$7,728.

The average Sunday entries to the pool over this period was 13 with a maximum of 23 and minimum of 3.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

42 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery and Margaret Olley Art Centre (MOAC) Advisory Committee Meeting held Wednesday 11 February 2015

Cr M Armstrong temporarily left the meeting at 08:02 PM.

236

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that the Minutes of the Tweed Regional Art Gallery and Margaret Olley Art Centre (MOAC) Advisory Committee Meeting held Wednesday 11 February 2015 be received and noted.

The Motion was **Carried**

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

43 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 12 February 2015

237

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 12 February 2015 be received and noted.

The Motion was **Carried**

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

44 [SUB-EAC] Minutes of the Equal Access Advisory Committee meeting held Wednesday 18 February 2015

238

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 February 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB1.Bus Stop Outside Kingscliff TAFE

That Council writes to Surfside Buses outlining the safety and access concerns and requests a meeting with company management and relevant TAFE staff to discuss solutions.

The Motion was **Carried**

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

45 [SUB-FMC] Minutes of the Floodplain Management Committee meeting held Friday 6 March 2015

239

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. The Minutes of the Floodplain Management Committee Meeting held Friday 6 March 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

General Business

1. Recommendations of Tweed Valley Floodplain Risk Management Plan

That Council make application under the 2015/16 State Floodplain Management Program for grant funding to engage a consultant to facilitate the provision of

personalised flood data to individuals, as recommended by the Tweed Floodplain Risk Management Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

Cr M Armstrong has returned from temporary absence at 08:02 PM

46 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 12 March 2015

240

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 12 March 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] SALT Multisport Festival 2015

That the proposed SALT Multisport Festival 2015 on 19 and 20 September 2015 be supported, subject to:

1. *NSW Police approval being obtained*
2. *Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons*
3. *Community and affected business consultation*
4. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to 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*
5. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event*
6. *Adequate public liability insurance being held by the event organiser*
7. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event*
8. *Consultation with emergency services particularly Kingscliff Police, Kingscliff Fire brigade and Kingscliff Ambulance*
9. *Arrangements made for private property access and egress affected by the event.*

A2 [LTC] Berkleys Lane, Pottsville

That Council approves signage and traffic control devices as per drawing no INF11-21 subject to the inclusion of yellow 'No Stopping' lines on the curve at the north eastern end of Berkleys Lane, Pottsville.

A3 [LTC] Kennedy Drive, Tweed Heads

That a new pedestrian refuge be installed on Kennedy Drive adjacent to the Scales Fish and Chip Shop and to remove the existing pedestrian device as per Drawing MIS147-03 Issue A.

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

That the proposed closure of Murwillumbah Street and Wharf Street between The Courthouse Hotel and Commercial Road, Murwillumbah for the conduct of the Tweed Foodie Fest on 24 April, 12 June, 14 August and 2 October 2015 be approved for the times 5.00pm to 11.00pm, subject to:

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

A5 [LTC] Pearl Street, Kingscliff

That a pedestrian refuge be installed on Pearl Street, Kingscliff between the roundabout at Turnock Street and the bus bay adjacent to the shopping centre.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

241

Cr M Armstrong
Cr G Bagnall

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 DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Kingscliff Mini School - Deferral of Developer Contributions

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: -

- (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.

C 17

That Council:

1. Approves the application from Kingscliff Mini School to allow deferral of their developer contributions under the *Developer Contributions - Community Organisations Policy*.
2. Enters into a 10 year repayment plan agreement with Kingscliff Mini School.

The Motion was **Carried**

FOR VOTE - Unanimous

C2 [CNR-CM] Risk Assessment - Regional Assessment Service (My Aged Care)

REASON FOR CONFIDENTIALITY:

Council has received confidential advice from Community Options Australia (COA) that they have been successful in their tender for the Regional Assessment Service (RAS).

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.

C 18

That Council:

1. Accepts the risk assessment.
2. Approves a subcontractor arrangement for the Department of Social Services Regional Assessment Service tender through Community Options Australia.
3. Authorises the Director Community and Natural Resources to complete the required subcontractor agreement.
4. Accepts the program into the budget, estimated at \$182,175 per annum.

The Motion was **Carried**

FOR VOTE - Unanimous

242

Cr M Armstrong
Cr P Youngblutt

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.08PM



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

Chairman

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