



**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 19 February 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 5.03pm.

### **IN ATTENDANCE**

Cr G Bagnall (Mayor), Cr P Youngblutt (Deputy Mayor), 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) and Mrs Kerrie McConnell (Minutes Secretary).

### **ABORIGINAL STATEMENT**

The Mayor acknowledged the recent passing of Faith Bandler, AC. Faith Bandler was of South Sea Islander heritage. She was a campaigner for the rights of Indigenous Australians and South Sea Islanders. Faith was best known for her leadership in the campaign for the 1967 referendum on Aboriginal Australians. A State Funeral will be held next week.

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:

*"Your attitude should be the same as that of Christ Jesus: Who, being in very nature God, did not consider equality with God something to be grasped, but made Himself nothing, taking the very nature of a servant.*  
*Philippians 2:5-7 (NIV)*

*I am sure as leaders in the community we have all been wronged? If that is true, we are faced with a decision. Are we going to spend our time and energy on what should have been, or are we going to focus on what can be?*

*Even when truth and justice are on your side, you may never be able to right our wrongs. Continually fighting for our rights just makes us resentful and angry. And those emotions are all destructive emotions that tap our energy and make us negative. And besides, when people focus on their rights, they're often looking backward rather than forward.*

*When we stop worrying about our rights, it focuses us in the right direction and releases us to move forward on our journey. We recognize the wrongs, but we forgive them, and focus on what we can control-our responsibilities. When we do that, it increases our energy, builds our potential, and improves our prospects.*

**Prayer:**

*Heavenly Father, I think of the ways in that we are a leader in our lives.*

*Make us willing to be good leaders.*

*Father we pray that you will feed us on your wisdom and your understanding, for our good and the good of all we serve.*

*Let us recognise and take the authority that is ours to take.*

*Teach us how to be blessed by you and be a blessing to others.*

*Thank you Father for guiding us every step of the way.*

*In Jesus precious Name.*

*Amen.*

**CONFIRMATION OF MINUTES**

**1 [CONMIN-CM] Confirmation of Ordinary and Confidential Council Meeting held Thursday 22 January 2015**

**58**

**Cr B Longland  
Cr P Youngblutt**

**RESOLVED that:**

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 22 January 2015 be adopted as a true and accurate record of proceedings of that meeting, with the following additional text at Minute No 39, point 2:

"..... 2. Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment. **This should not be undertaken until the study referred to in paragraph 1 is complete with the General Manager being authorised to accept the assistance offered by the Office of Environment and Heritage to complete the study without delay.....**"

2. ATTACHMENTS 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 - Cr C Byrne, Cr B Longland, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr G Bagnall, Cr K Milne**

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

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**2 [CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held on Thursday 5 February 2015**

**59**

**Cr B Longland**

**Cr C Byrne**

**RESOLVED** that the Minutes of the Ordinary Council Meeting held Thursday 5 February 2015 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

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**LATE ITEM**

**60**

**Cr B Longland**

**Cr C Byrne**

**RESOLVED** that Item a2 - [CONMIN-EXT] Minutes of the Extraordinary Ordinary and Confidential Council Meeting held Thursday 12 February 2015 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***

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

**a2 [CONMIN-EXT] Minutes of the Extraordinary Ordinary and Confidential Council Meeting held Thursday 12 February 2015**

**61**

**Cr B Longland**

**Cr C Byrne**

**RESOLVED** that:

1. The Minutes of the Extraordinary Ordinary and Confidential Council Meetings held Thursday 12 February 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***

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

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## **APOLOGIES**

Attendee Cr M Armstrong has informed the General Manager that his absence is caused by personal circumstances.

**62**

**Cr K Milne**

**Cr B Longland**

**RESOLVED** that the apology of Cr M Armstrong be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

***FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt***

***AGAINST VOTE - Cr C Byrne***

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

**63**

**Cr P Youngblutt**

**Cr G Bagnall**

**RESOLVED** that the apology of Cr C Byrne for the Planning Committee Meeting of 5 March 2015 be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

## **DISCLOSURE OF INTEREST**

Mrs Kerrie McConnell (Minute Secretary) declared a Pecuniary Interest in Item 38 - Minutes of the Sports Advisory Committee Meeting held Monday 8 December 2014. The nature of the interest is that Mrs McConnell has been engaged as an Event Coordinator for the conduct of the 2015 Queensland State Women's Masters Hockey Championships. Mrs McConnell will manage the interest by vacating the Chamber and taking no part in the discussion on the matter.

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

Nil.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**3 [SOR-CM] Schedule of Outstanding Resolutions**

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

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**MAYORAL MINUTE**

**4 [MM-CM] Mayoral Minute for January 2015**

64

**Cr G Bagnall**

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

The Motion was **Carried**

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

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**RECEIPT OF PETITIONS**

**5 [ROP] Receipt of Petitions**

65

**Cr B Longland  
Cr P Youngblutt**

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

- Petition in relation to 65 Korora Parkway, Pottsville requesting that Council restores the verges to this property to a standard required from all ratepayers and does this without any further delay - 9 signatories.
- Petition to ensure that the public access road to Mooball National Park from Cudgera Creek Road via Wabba Road remains open to the public to ensure recreational use for the future - 16 signatories.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Internal Reporting (Public Interest Disclosure) Policy, Version 1.1

66

Cr C Byrne

Cr P Youngblutt

**RESOLVED** that Council adopts the amendments to the Internal Reporting (Public Interest Disclosure) Policy, Version 1.1 and in accordance with section 161 (2) of the Local Government Act 1993, dispenses with the requirement of publicly advertising the policy.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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7 [GM-CM] Modification of Fee - Aerial Spraying Operations

67

Cr C Byrne

Cr K Milne

**RESOLVED** that Council endorse the fee variation for crop dusting fees for in the 2014/2015 Fees and Charges from \$1,561.90 to \$800 per annum (incl GST), in accordance with Section 610E of the Local Government Act, this reduction to take effect from 1 July 2014.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**8 [GM-CM] Murwillumbah Visitors Information Centre - Alma Street, Murwillumbah**

**68**

**Cr C Byrne**

**Cr K Milne**

**RESOLVED** that Council:

1. Approves entering into a lease with Destination Tweed Inc for a term of four years with annual rental increasing by CPI for the Visitors Information Centre comprised in Lots 1 & 2 in DP 779813, Lots 1 & 2 in DP 779815, Auto Consol 1258-99 and Auto Consol 1076-110, located on Alma Street, Murwillumbah;
2. Grants consent to Destination Tweed Inc for the subleasing of the premises and the General Manager be granted delegation to approve or refuse the subleasing as and when details of the subleasing entities are given by Destination Tweed; and
3. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

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**9 [GM-CM] Expression of Interest 2015 NSW IRB Surf Life Saving Championships on the Tweed Coast**

**69**

**Cr C Byrne**

**Cr K Milne**

**RESOLVED** that Council supports and endorses the submission of the Expression of Interest for the conducting of the 2015 NSW IRB Championships, and provides in kind funding support to a maximum of \$8,000.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

Nil.

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

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

70

**Cr C Byrne**  
**Cr W Polglase**

**PROPOSED** that Council:

1. Adopts the Tweed Coast Comprehensive Koala Plan of Management as a strategy of Council.
2. Amends Tweed DCP 2008 to require consideration of the relevant sections of the Tweed Coast Comprehensive Koala Plan of Management for development proposals on the Tweed Coast.
3. Prepares a planning proposal to include a clause and overlay in LEP 2014 and LEP 2000 to reinforce the need for development to be consistent with the Tweed Coast Comprehensive Koala Plan of Management.
4. Submits the Tweed Coast Comprehensive Koala Plan of Management to the NSW Department of Planning and Environment for approval under State Environmental Planning Policy No. 44.
5. Includes the following savings provision under Section 2.4 of the Tweed Coast Comprehensive Koala Plan of Management to ensure that any development applications submitted (but not determined) prior to the adoption of the Plan are assessed as if the Plan had not commenced:

*“2.4(iv) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*

## AMENDMENT

71

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

**RESOLVED** that Council:

1. Adopts the Tweed Coast Comprehensive Koala Plan of Management as a strategy of Council.

2. Amends Tweed DCP 2008 to require consideration of the relevant sections of the Tweed Coast Comprehensive Koala Plan of Management for development proposals on the Tweed Coast.
3. Prepares planning proposals to include a clause and overlay in LEP 2014 and LEP 2000 to reinforce the need for development to be consistent with the Tweed Coast Comprehensive Koala Plan of Management.
4. Submits the Tweed Coast Comprehensive Koala Plan of Management to the NSW Department of Planning and Environment for approval under State Environmental Planning Policy No. 44.

The Amendment was **Carried**

**FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall**

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

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

**Carried** on the Casting Vote of the Mayor.

The Amendment on becoming the Motion was **Carried** - (Minute No 71 refers)

**FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr C Byrne**

**AGAINST VOTE - Cr W Polglase, Cr P Youngblutt**

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

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## 11 [CNR-CM] Alternate Water Options Assessment - Seabreeze Pond

72

**Cr P Youngblutt**

**Cr B Longland**

**RESOLVED** that:

1. The existing stormwater network be monitored for suitability to fill the pond (until end of May 2015).
2. The adjacent larger stormwater catchment to the east of the entry pond be connected to the system to augment the pond water levels if typical rainfall has not generated sufficient pond water levels.
3. That information signage as proposed in this report be erected at the pond.

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr C Byrne**

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

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**12 [CNR-CM] Youth Strategy and Action Plan Progress Report 1**

73

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

**RESOLVED** that Council receives and notes the Youth Strategy and Action Plan progress report.

The Motion was **Carried**

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

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**13 [CNR-CM] Affordable Entry to Tweed Aquatic Centres for People with Permanent or Temporary Disabilities - Trial 2**

74

**Cr C Byrne**  
**Cr G Bagnall**

**RESOLVED** that:

1. Council notes the report on the results of the second trial of affordable entry to Tweed Aquatic Centres for people with permanent or temporary disability.
2. The subsidy available under the trial be implemented as a permanent subsidy and amend fees and charges with the following conditions:
  - a) Adults who can evidence they are currently in receipt of a Disability Support Pension.
  - b) Children with a permanent disability confirmed by a letter from a Medical Practitioner or Medical Specialist such as a Paediatrician.
  - c) People with a chronic illness with a letter from a Medical Practitioner or Medical Specialist that clearly states the need for access to aquatic exercise or therapy as part of the ongoing treatment for the condition.
  - d) People with a temporary disability with a letter from a Medical Practitioner, Medical Specialist or Allied Therapist that clearly states the need for access to aquatic exercise or therapy as part of their treatment. Renewal of membership will require updated advice from the Medical Practitioner, Medical Specialist or Allied Therapist.

The Motion was **Carried**

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

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14            **[CNR-CM] Approval of International Travel for Gallery Director**

75

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

**RESOLVED** that Council accepts a financial contribution from the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre to be used to acquire airfares for Gallery Director, Susi Muddiman OAM, to attend the 2015 Art Basel - Hong Kong Art Fair.

The Motion was **Carried**

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

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15            **[CNR-CM] Environmental Trust Education Grant - 2014/EG/0076 - Sustainable Grazing in the Tweed Valley**

76

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

**RESOLVED** that Council accepts the grant of \$14,900 from the NSW Environmental Trust for an environmental education project titled *Sustainable Grazing in the Tweed Valley* and votes the expenditure.

The Motion was **Carried**

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

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16 [CNR-CM] Pest Management Report - May to December 2014

77

Cr G Bagnall  
Cr K Milne

**RESOLVED** that Council notes the May - December 2014 Pest Management report and continues the scheduled works.

The Motion was **Carried**

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

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17 [CNR-CM] Biodiversity Grants

78

Cr G Bagnall  
Cr K Milne

**RESOLVED** that Council approves the proposed Biodiversity Grants listed below:

<i>Name</i>	<i>Area</i>	<i>Estimate (\$)</i>	<i>Description</i>
Eggin	Uki	\$2,400	Six person days of ecological restoration
Duncalfe	Carool	\$2,400	Five person days of ecological restoration
McGuinness	Mount Warning	\$5,000	Twelve person days of ecological restoration as an in-kind contribution to the Mid Tweed Environmental Trust project managed by Tweed Landcare.
	<b>Total</b>	<b>\$9,800</b>	

The Motion was **Carried**

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

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18 [CNR-CM] River Health Grants

79

Cr G Bagnall  
Cr K Milne

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

<i>Property Owner</i>	<i>Locality</i>	<i>Stream frontage (m)</i>	<i>Objective of works</i>	<i>Council contribution</i>
Jewry	Pinnacle	1,300	Fence riparian zone on property to restrict cattle, combined with revegetation to improve water quality.	\$12,000
Kershaw	Eungella	250	Extend previous grant to allow for further weed control works.	\$1,000
Smith	Chowan Creek	2,000	Provide plants to landowners to revegetate sections of Chowan Creek.	\$3,000
Spitzkowski	Burringbar	60	Provide plants to landowners to revegetate section of Burringbar Creek.	\$320

The Motion was **Carried**

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

**19 [CNR-CM] Request to Upgrade Easement for Access through Council Owned Lot 1 DP 590220, Stotts Creek Resource Recovery Centre, Eviron**

**80**

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

**RESOLVED** that Council:

1. Agrees to widen the right of carriageway as requested on Lot 1 DP 590220 and execute all documents under the Common Seal of Council, subject to the successful determination of boundary issues and costs.
2. Seeks to resolve the boundary issues as part of this negotiation to resolve any issues with the location of infrastructure on Council's property.
3. Delegates to the General Manager, Owner's Consent to sign the Development Application form to undertake the upgrades to the access road within the widened right of carriageway.

The Motion was **Carried**

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

**REPORTS FROM THE DIRECTOR ENGINEERING**

**20 [E-CM] Variation of Restriction on Use in SP 79995 - Tweed Ultima, Wharf Street, Tweed Heads**

**81**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that Council:

1. Approves the Variation of Restriction on Use of Land ninthly referred to in SP 79995 affecting Lots 49, 90, 95, 101, 113, 114 and 120 in SP 79995; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

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

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**21 [E-CM] Proposed Easement for Electricity Purposes over Council Land affecting Lots 350, 384, 385 and 394 in DP 1162588 - Seaside City, Kingscliff**

**82**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that

1. Council approves the creation of proposed easements for electricity purposes affecting Lots 350, 384, 385 and 394 in DP1162588, Kingscliff for the benefit of Essential Energy; and
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

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

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**22 [E-CM] EC2014-172 Slope Stabilisation of Tomewin Road and Numinbah Road**

**83**

**Cr G Bagnall**

**Cr K Milne**

**RESOLVED** in respect to Contract EC2014-172 Slope Stabilisation of Tomewin Road and Numinbah Road:

1. Council awards the contract to Geo Stabilise Pty Ltd for their alternate offer for the amount of \$257,329.32 (exclusive of GST).
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**

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

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**23 [E-CM] Sealing of Gravel Roads**

**84**

**Cr P Youngblutt**

**Cr C Byrne**

**RESOLVED** that Council:

1. Endorses the ranking system detailed in the report for the sealing of Gravel Roads.
2. Endorses the prioritisation list with the exception of Letitia Road which will remain maintained as a gravel road as previously resolved by Council.
3. Does not include the sealing of any gravel roads on the prioritised list in the 2015/2016 budget considerations, given that this would entail reallocation of resources away from maintaining the existing sealed road network, and the additional cost of maintaining sealed roads.

## **AMENDMENT**

**85**

**Cr G Bagnall  
Cr K Milne**

**PROPOSED** that Council:

1. Does not include the sealing of any gravel roads on the prioritised list in the 2015/2016 budget considerations, given that this would entail reallocation of resources away from maintaining the existing sealed road network, and the additional cost of maintaining sealed roads.
2. Holds a workshop to discuss the gravel roads ranking system in more detail.

The Amendment was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

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

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

The Motion was **Carried**

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

**AGAINST VOTE - Cr G Bagnall**

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

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## **24 [E-CM] Rail Trail - Community Consultation**

**86**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Notes the various community consultation activities completed so far and continues to support the rail trail proposal and pilot project.
2. Delegates the General Manager to liaise with Northern Rivers Rail Trail Inc. in the preparation of an Expression of Interest for the Murwillumbah to Casino Rail Trail under the Restart New South Wales Regional Tourism Infrastructure Fund.
3. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

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

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

**25 [CS-CM] Code of Meeting Practice - Receipt of Electronic Petitions**

**87**

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

**RESOLVED** that Council adopts the Code of Meeting Practice, Version 2.5.

The Motion was **Carried**

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

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**26 [CS-CM] Legal Services Register for the period 1 October to 31 December 2014**

**88**

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

**RESOLVED** that Council receives and notes the Legal Services Report as at 31 December 2014.

The Motion was **Carried**

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

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

**89**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 January 2015 totalling \$198,389,950 be received and noted.

The Motion was **Carried**

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

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**28 [CS-CM] Quarterly Budget Review - December 2014**

**90**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that the:

1. Quarterly Budget Review Statement as at 31 December 2014 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2015.

<b>Description</b>	<b>Change to Vote</b>	
	<b>Deficit</b>	<b>Surplus</b>
<b>General Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	114,006
Materials & Contracts	158,328	0
Interest	0	0
Other Operating costs	10,000	0
Capital	531,829	0
Loan Repayments	0	0
Transfers to Reserves	0	0
	<hr/>	
	700,157	114,006
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	83,846
Capital Grants & Conts	0	232,646

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Description	Change to Vote	
	Deficit	Surplus
User Charges & Fees	0	20,000
Other Operating Revenue	0	80,000
Loan Funds	0	0
Recoupments	0	60,000
Transfers from Reserves	0	109,659
Asset Sales	0	0
	<u>0</u>	<u>586,151</u>
<b>Net Surplus/(Deficit)</b>		<b>0</b>
<b>Sewer Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	0
Materials & Contracts	404,532	0
Interest	0	0
Other Operating costs	0	0
Capital	0	1,009,150
Loan Repayments	0	0
Transfers to Reserves	0	4,692,505
	<u>404,532</u>	<u>5,701,655</u>
<b><u>Income</u></b>	0	0
Rates and Annual Charges	0	0
Interest revenue	493,130	0
Operating Grants & Conts	0	0
Capital Grants & Conts	4,234,843	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	269,925
Transfers from Reserves	839,075	0
Asset Sales	0	0
	<u>5,567,048</u>	<u>269,925</u>
<b>Net Surplus/(Deficit)</b>		<b>0</b>
<b>Water Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	0
Materials & Contracts	0	451,236
Interest	0	0
Other Operating costs	0	0
Capital	0	960,000
Loan Repayments	0	0
Transfers to Reserves	0	10,039,006
	<u>0</u>	<u>11,450,242</u>
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	156,677	0
Operating Grants & Conts	0	0
Capital Grants & Conts	10,348,187	0
User Charges & Fees	0	44,622
Other Operating Revenue	0	0
Loan Funds	0	0

Description	Change to Vote	
	Deficit	Surplus
Recoupments	0	5,000
Transfers from Reserves	995,000	0
Asset Sales	0	0
	<u>11,499,864</u>	<u>49,622</u>
<b>Net Surplus/(Deficit)</b>		<u><b>0</b></u>

The Motion was **Carried**

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

---

**29 [CS-CM] Corporate Quarterly Performance Report 1 October to 31 December 2014**

**91**

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

**RESOLVED** that Council receives and notes the Corporate Quarterly Performance Report as at 31 December 2014.

The Motion was **Carried**

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

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**30 [CS-CM] Six Monthly Delivery Program Exception Report to 31 December 2014**

**92**

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

**RESOLVED** that Council receives and notes the Six Monthly Progress Report detailing principle activities from the 2013/2017 Delivery Program that have not met expected performance targets for the period to 31 December 2014.

The Motion was **Carried**

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

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## ORDERS OF THE DAY

### 31 [NOR] Black Rocks Sports Field

93

Cr K Milne  
Cr G Bagnall

**PROPOSED** that the resolution from the meeting held on Thursday 22 January 2015 at Minute No 39 Item No 27 (point 2) titled [NOM] Black Rocks Sports Field being:

*" that Council:*

*..... 2. Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment. This should not be undertaken until the study referred to in paragraph 1 is complete with the General Manager being authorised to accept the assistance offered by the Office of Environment and Heritage to complete the study without delay....."*

***be rescinded.***

The Rescission Motion was **Lost**

***FOR VOTE - Cr K Milne, Cr G Bagnall***

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

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

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### 32 [NOM] Black Rocks Sports Field Access

This item lapsed due to the Rescission Motion being lost (Minute No 93 refers).

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## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.40pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.24pm.

**33 [NOM] State Government Road Disposal**

**94**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council seeks support from the State Government in regards to disposal of Crown Roads that are contrary to Council's Road Closures and Private Purchase Policy for roads not eligible for closure.

The Motion was **Carried**

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

**Carried** on the Casting Vote of the Mayor.

---

**34 [NOM] Communications Infrastructure**

**95**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that Council seeks support from the Federal and State Government to address any visual and environmental concerns raised by the community in regard to NBN and telecommunications infrastructure.

The Motion was **Lost**

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

---

**URGENCY MOTION**

**96**

**Cr K Milne  
Cr C Byrne**

**RESOLVED** that Item a34 - [NOM] NSW Public Library Funding Campaign 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**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

**a34 [NOM] NSW Public Library Funding Campaign**

**97**

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

**RESOLVED** that Council:

1. Continues support for the campaign by the NSW Public Libraries Association, and
2. Seeks a commitment prior to the State election from the Government and Local Members of the NSW Parliament, as well as local candidates, to increase State funding to local government for public libraries in line with the recommendations of the NSW Public Libraries Association.

The Motion was **Carried**

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

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#### **QUESTIONS ON NOTICE**

Nil.

#### **DELEGATE REPORTS**

Nil.

#### **REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**35 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 20 October 2014**

**98**

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

**PROPOSED** that the:

1. Minutes of the Sports Advisory Committee Meeting held Monday 20 October 2014 be received and noted; and
2. Number of community representatives on the Sports Advisory Committee remain at seven for the remainder of the term of the committee, and Barry Bennett be invited to fill the vacancy created by the resignation of Carolyn Pickering.

**AMENDMENT**

**99**

**Cr C Byrne  
Cr W Polglase**

**RESOLVED** that the:

1. Minutes of the Sports Advisory Committee Meeting held Monday 20 October 2014 be received and noted; and
2. Number of community representatives on the Sports Advisory Committee be increased to nine for the remainder of the term of the committee, and Barry Bennett and Bruce Campbell be invited to fill two vacancies and advertise for a further community representative to fill all the vacancies.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 99 refers)

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

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**36 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 27 November 2014**

**100**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 27 November 2014 be received and noted; and
  2. The Executive Management Team's recommendations be adopted as follows:
-

**A8. Tweed Regional Museum Murwillumbah Opening Hours**

*That weekend opening hours to be reviewed by management in consultation with the Committee, looking at the possibility of volunteers facilitating increased public access.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

---

**37 [SUB-TRAG] Minutes of the Tweed Regional Gallery Advisory Committee held Wednesday 3 December 2014**

**101**

**Cr C Byrne**

**Cr P Youngblutt**

**RESOLVED** that:

1. The Minutes of the Tweed Regional Gallery Advisory Committee held Wednesday 3 December 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**Director's Report - Gallery Staffing Levels**

- 1 *Additional staffing at the Gallery can be included as part of the 2015/2016 budget deliberations, in context of the demand created by visitor numbers and season peaks.*
- 2 *Council's Work Health and Safety Section to undertake a risk assessment of staff working on a Saturday and that the assessment be provided to the Tweed Regional Gallery Advisory Committee and Council management.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**38 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 8 December 2014**

Mrs Kerrie McConnell (Minute Secretary) declared a Pecuniary Interest in this item. The nature of the interest is that Mrs McConnell has been engaged as an Event Coordinator for the conduct of the 2015 Queensland State Women's Masters Hockey Championships. Mrs

---

McConnell will manage the interest by vacating the Chamber and taking no part in the discussion on the matter.

102

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

**RESOLVED** that:

1. Notwithstanding that a quorum was not present for the Sports Advisory Committee Meeting held Monday 8 December 2014, the Record of the Meeting be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A1. 2015 Queensland State Women's Masters Hockey Championships**

1. *Reviews the Donations Policy and the Festival and Events Policy and gives consideration to local sporting clubs and associations hosting significant events being eligible to apply for this funding.*
2. *Considers feedback from the Sports Advisory Committee as a part of the assessment process.*
3. *Considers greater flexibility in timing of sporting funding requests that fall outside of the scheduled funding application rounds.*

Cr C Byrne temporarily left the meeting at 08:04 PM.

The Motion was **Carried**

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

Mrs Kerrie McConnell returned from temporary absence at 08:06 PM.

Cr C Byrne has returned from temporary absence at 08:06 PM

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**39 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 17 December 2014**

103

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

**RESOLVED** that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 17 December 2014 be received and noted.

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The Motion was **Carried**

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

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**40 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 December 2014**

**104**

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

**RESOLVED** that:

1. The Minutes of the Equal Access Advisory Committee Meeting held 17 December 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**5. Kerb Ramp on Powell Street Tweed Heads**

*That Council approves the modifications to the pram ramp in Powell Street Tweed Heads as recommended by the Equal Access Advisory Committee to comply with access standards to be funded from the Access Program and Footpath Program for the amount of \$1,500.*

**8. Equal Access Advisory Committee Vice-Chair**

*That Christine Vannucci is appointed to the position of Vice-Chair.*

The Motion was **Carried**

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

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**41 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held via email 28-30 January 2015**

**105**

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

**RESOLVED** that the Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held via email from 28 to 30 January 2015, be received and noted.

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The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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## **CONFIDENTIAL COMMITTEE**

### **EXCLUSION OF PRESS AND PUBLIC**

**106**

**Cr P Youngblutt**

**Cr C Byrne**

**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**

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

## **CONFIDENTIAL ITEMS FOR CONSIDERATION**

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

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

#### **C1 [GM-CM] Business Investment Policy - Expansion of Stone and Wood Brewery**

#### **REASON FOR CONFIDENTIALITY:**

Information contained within this report could divulge details of business expansion and should be dealt with in Confidential Session.

#### **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 8**

That Council executes the Deed of Variation for the existing deferred payment agreement with Stone and Wood Brewery under the Common Seal of Council.

The Motion was **Carried**

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

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**REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE**

**C2 [E-CM] Purchase of Land - Kennedy Drive, Tweed Heads West**

**REASON FOR CONFIDENTIALITY:**

The commercial negotiations to purchase the parcel are to remain confidential between the parties.

**Local Government Act**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**C 9**

That Council:

1. Enters into negotiations with the owners of Lot A in DP 407658, 218 Kennedy Drive, Tweed Heads West to purchase the land and that the General Manager be granted delegated authority to negotiate to the upper limit of any range provided by a registered valuer: and
2. Executes all necessary documentation necessary to finalise the purchase under the Common Seal of Council.
3. Purchase the property funded by an internal loan from the Non Domestic Waste Management Concrete Recycling Reserve Fund and to be repaid on resale of the property in (1) above.

The Motion was **Carried**

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

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**C3 [E-CM] Specialised Chicken Services Pty Ltd - Notices relating to Liquid Trade Waste Discharge to Council's Sewerage System**

**REASON FOR CONFIDENTIALITY:**

Information contained in this report relates to private financial transactions and position of a commercial business that would unfairly disclose the owner's circumstances.

**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) *personal matters concerning particular individuals (other than councillors).*
- (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 10**

That Council provides notice to Specialised Chicken Services Pty Ltd that:

1. Specialised Chicken Services Pty Ltd is in breach of Section 68 of the Local Government Act, 1993, in that there is no current approval in place for their trade waste discharge to Council's sewerage system;
2. Conditions of a Trade Waste Agreement including an Effluent Improvement Plan are to be agreed to within 14 days or an order will be given to disconnect Specialised Chicken Services Pty Ltd from Council's sewerage system.
3. The Effluent Improvement Plan is to be fully implemented within 3 months (the estimated time to complete the works) or Specialised Chicken Services Pty Ltd will be ordered to disconnect from Council's sewerage system.
4. Council will invoice Specialised Chicken Services Pty Ltd for the full amount of any outstanding debt.

The Motion was **Carried**

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

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107

**Cr C Byrne**  
**Cr W Polglase**

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

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The Motion was **Carried**

***FOR VOTE - Unanimous***

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

There being no further business the Meeting terminated at 8.12pm.



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**

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