



**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 March 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, and Cr K Milne.

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 Neil Baldwin (Manager Corporate Governance) and Mrs Kerrie McConnell (Minutes Secretary).

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Father Anthony Lemon:

#### ***"Prayer of Mother Teresa of Calcutta***

*Founder of the Missionaries of Charity (1910-1997)*

*The fruit of Silence is Prayer.*

*The fruit of Prayer is Faith.*

*The fruit of Faith is love.*

*The fruit of Love is Service.*

#### ***A Simple Prayer***

*O Lord make me an instrument of your peace;  
Where there is hatred, let me put love,  
Where there is resentment let me put forgiveness,*

*Where there is discord let me put unity,  
Where there is doubt let me put faith,  
Where there is error let me put truth,  
Where there is despair let me bring happiness,  
Where there is sadness let me bring joy,  
Where there is darkness let me bring light.*

*O Master grant that I may desire rather;  
To console than to be consoled.  
To understand rather than to be understood.  
To love rather than be loved.*

*Because it is in giving that we receive;  
In forgiving that we obtain forgiveness;*

*In dying that we rise to eternal life.*

St Francis

**Prayer of Daily Service**

*Make us worthy, Lord, to serve our fellow human throughout the world who live and die in poverty and hunger. Give them through our hands this day their daily bread, and by our understanding love, give peace and joy. Make us, Lord, worthy to serve our brothers and sisters who are scattered all over the world, who live and die alone and poor. Give them today, using our hands, their daily bread. And, using our love, give them peace and happiness. Amen."*

**CONFIRMATION OF MINUTES**

- 1            **[CONMIN] Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 February 2015**

112

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

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 February 2015 be adopted as a true and accurate record of proceedings of that meeting.
  
- 3 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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- 2            **[CONMIN] Minutes of the Ordinary and Confidential Council Meeting held Thursday 5 March 2015**

113

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

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held Thursday 5 March 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 W Polglase***

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## **APOLOGIES**

Attendee Cr W Polglase has informed the General Manager that his absence is caused by illness and hospitalisation.

**114**

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

**RESOLVED** that the apology of Cr W Polglase be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

## **DISCLOSURE OF INTEREST**

Nil.

## **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 February 2015

115

**Cr G Bagnall**

**RESOLVED** that:

1. The Mayoral Minute for the month of February 2015 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised:

Cr C Byrne	30 April - 2 May	ALGWA Conference- Novotel, Cliff Road, Wollongong NSW
Cr G Bagnall Cr B Longland Cr K Milne Cr W Polglase	14-17 June	National General Assembly of Local Government - National Convention Centre, Constitution Avenue, Canberra ACT

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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## LATE ITEM

116

**Cr G Bagnall**

**Cr M Armstrong**

**RESOLVED** that Item a4 [MM-CM] Tweed Coast Koalas 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 - Cr B Longland, Cr K Milne, Cr M Armstrong, Cr G Bagnall, Cr P Youngblutt**

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

### a4 [MM-CM] Tweed Coast Koalas

117

**Cr G Bagnall**

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**RESOLVED** that in reference to the letter from Office of Environment and Heritage (OEH) to the General Manager dated 19 February 2015 (Attachment 1):

The Mayor:

- a) Writes a letter to the Minister of Environment, Mr Rob Stokes, thanking his Government Department of their generous offer of assistance and noting that the General Manager will be in contact to accept the assistance of the OEH to provide expert technical advice and support in undertaking a survey of the Koala habitat of Black Rocks and the surrounding Tweed Coast area.
- b) Acknowledges that Tweed Shire Council recognises the importance of the Threatened Species Conservation Act 1995 and National Parks and Wildlife Act 1974, and the Environmental Protection Biodiversity Conservation Act 1999 and the provisions of intervention if in the opinion of the OEH there is any action proposed, which is likely to result in harm to a threatened species, population or ecological community.

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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## RECEIPT OF PETITIONS

### 5 [ROP] Receipt of Petitions

118

**Cr M Armstrong**

**Cr K Milne**

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

1. Petition containing 21 signatures advising that:

*"This letter is regarding overdue roadwork recovery on Pearl Lane, Kingscliff. Last year a sink hole was found at the top of the land. The two cement drain tops are cracked and falling to bits. One of the drains has completely (sic) sunk into the concrete. As four major block of units consisting of over 30 cars that use the Pearl Lane to access Pearl Street, this is seen to be of great importance and urgency. There are a number of pot holes and overall the Lane is sinking. To avoid a law suit, we suggest council prioritise this matter immediately."*

2. Petition containing 56 signatures advising that:

*"Complaint regarding the use of premise and surrounds, know as 'The Boathouse' located at 'Salt' Kingscliff."*

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*We, the residents of the area within Stage 2 development of the area known as 'Salt' Kingscliff, wish to raise a formal complaint regarding the use of premises known as 'The Boathouse' and the adjoining land.*

*The main areas of our concerns are:*

- 1. The 'Boathouse', which is currently tenanted or owned by the business known as 'WATERSPORTS GURU' is being used for purposes which we consider are illegal and in breach of the terms of agreement with the council. To our knowledge, the Boathouse has been zoned for boat hire and storage and not as a venue to host weddings, parties etc.*

*In this regard we submit that 'WATERSPORTS GURU' is hiring out the use of the 'Boathouse', surrounding public tables, bar-b-ques, toilets and jetty for various social functions. Such facilities having been provided for the use of the general public and which are serviced and maintained on a daily basis by the Council. (We attached hereto a copy of an advertisement which 'WATERSPORTS GURU' has placed on the company electronic Website' where they list a charge of 5500.00 for use of these facilities). During the recent Christmas period, a group of local residents were asked to vacate the area as it had been privately hired for a 70th birthday party on Christmas day.*

*Further, 'WATERSPORTS GURU' have access to the 'Boathouse' through locked bollards for the purpose of accessing equipment to and from the 'Boathouse', however they are using this access to transport persons attending the functions, organised by them, to and from the parking area located near the bollards in their vehicle. This often occurs late in the evening when functions take place.*

- 2. Destruction of the garden and grass area between the 'Boathouse' and the parking area (approximately) 1-00 metres away.*

*When this area of 'Salt' was developed care was taken to set up trees and gardens for the public to enjoy. Over the past couple of years persons and vehicles, who have access to the locked bollards have destroyed the garden immediately adjacent to this entrance by driving over it and then the grass area leading to the 'Boathouse' to such an extent that the garden no longer exists. (Photograph attached) Please note that such access is not only by persons from 'WATERSPORTS GURU' but by council employees who regularly utilise the 'Boathouse' facilities for their morning tea and lunch breaks. We have no objection to the council employees using the facilities for these purposes however we request they be instructed to utilise the purpose built pathway for vehicles.*

*It should be noted that the vehicular pathway was specifically built to provide access to these facilities and was constructed in such a way to carry heavy vehicles such as fire trucks. Having raised this issue, we indicate the employees who attend to clean the facilities on a daily basis always use the correct pathway and service the facilities in an excellent manner.*

*We raise these issues and request action be taken to ensure the business 'WATERSPORTS GURU' be instructed not to use these facilities for their own purposes, be required to comply with any terms regarding their occupation of the*



*'Boathouse' and to remove their advertisement from all media. It would also be appreciated if the council notify the residents of any application to change the zoning of the Boat House (sic) as this is directly behind a number of residential properties and could result in a high level of through traffic, parking issues and noise.*

*Further we request that the garden area which has been destroyed be restored and maintained in future."*

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 6 [GM-CM] Major Event Proposal for Boundary Street, Tweed Heads

119

**Cr M Armstrong**  
**Cr G Bagnall**

**PROPOSED** that Council, while sympathetic to the City Slide proposal, requests detailed information from the organisers regarding:

1. Impacts on adjoining properties and residents including, but not limited to, protection from damage from participants and access, particularly for those with low mobility; and
2. Insurance coverage to indemnify any and all losses suffered by adjoining property landowners and residents.

#### AMENDMENT 1

120

**Cr B Longland**  
**Cr P Youngblutt**

**PROPOSED** that Council supports the submission of an application together with associated permits to conduct "The City Slider" on Boundary Street, Tweed Heads, on a date to be scheduled, to enable the event application to be determined on its merits.

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

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Amendment 1 was **Lost** on the Casting Vote of the Mayor.

**AMENDMENT 2**

121

**Cr B Longland**  
**Cr P Youngblutt**

**RESOLVED** Council supports the submission of an application for "The City Slider" proposal and requests detailed information from the organisers regarding:

1. Impacts on adjoining properties and residents including, but not limited to, protection from damage from participants and access, particularly for those with low mobility; and
2. Insurance coverage to indemnify any and all losses suffered by adjoining property landowners and residents.

Amendment 2 was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

Amendment 2 on becoming the Motion was **Carried** - (Minute No 121 refers)

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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7 **[GM-CM] Casino to Murwillumbah Rail Trail - Northern Rivers Rail Trail Inc. - Tweed Shire Council Representation**

122

**Cr C Byrne**  
**Cr B Longland**

**PROPOSED** that Council nominates Councillor B Longland as its representative on the Northern Rivers Rail Trail Inc Executive.

**AMENDMENT**

123

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

**RESOLVED** that Council nominates Councillor B Longland, and the Director Engineering, David Oxenham as its representative on the Northern Rivers Rail Trail Inc Executive, subject to the Northern Rivers Rail Trail Inc. constitution.

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The Amendment was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

The Amendment on becoming the Motion was **Carried** - (Minute No 123 refers)

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**8 [GM-CM] Economic Impact 2014 Tweed Foodie Fest**

**124**

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

**RESOLVED** that Council receives and notes the 2014 Tweed Foodie Fest Report and congratulate the Foodie Festival operators on their success.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**9 [GM-CM] Cooly Rocks On Funding Request**

**125**

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

**RESOLVED** that Council provides \$10,000 in cash and \$10,000 in kind sponsorship which includes for use of the Jack Evan's Boat Harbour and associated costs, with the opportunity for five not for profit Tweed based organisations being offered free stalls in prominent locations.

The Motion was **Carried**

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

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

- 10 [PR-CM] Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015

126

Cr K Milne  
Cr G Bagnall

**RESOLVED** that the report on Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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- 11 [PR-CM] Acceptance of Grant - Community Resilience Innovation Program Grants

127

Cr C Byrne  
Cr P Youngblutt

**RESOLVED** that Council accepts the grant of \$14,980 from the NSW Ministry of Police and Emergency Services - Community Resilience Innovation Program for the implementation of emergency preparedness within the aged care facilities across the Tweed and includes the grant funding in the March Quarterly Budget Review.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**LATE ITEM**

128

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

**RESOLVED** that Item a11 [PR-CM] Class 1 Appeal - Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff 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 W Polglase**

**a11 [PR-CM] Class 1 Appeal - Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff**

**129**

**Cr G Bagnall**  
**Cr M Armstrong**

**RESOLVED** that Council defends the Class 1 Appeal in relation to Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff and engages Council's solicitors and suitable consultants.

**AMENDMENT 1**

**130**

**Cr B Longland**  
**Cr C Byrne**

**PROPOSED** that Council engages Council's solicitors to negotiate consent orders or a Section 34 Agreement for DA14/0164.

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

Amendment 1 was **Lost** on the Casting Vote of the Mayor.

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

The Motion was **Carried** on the Casting Vote of the Mayor (Minute No 129 refers).

**A RESCISSION MOTION HAS BEEN RECEIVED FROM COUNCILLORS BYRNE, LONGLAND AND YOUNGBLUTT ON THIS ITEM.**

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**LATE ITEM**

**131**

**Cr P Youngblutt  
Cr G Bagnall**

**RESOLVED** that Item b11 [PR-CM] Development Application DA03/0445.02 for an Amendment to Development Consent DA03/0445 for Use of an Existing Stock and Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting and Bottling of Mineral Water at Lot 1 DP 735658 No. 447 Uriup Road, Bilambil 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 W Polglase**

**b11 [PR-CM] Development Application DA03/0445.02 for an Amendment to Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 DP 735658**

**132**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Development Application DA03/0445.02 for an amendment to Development Consent DA03/0445 for use of an existing stock & domestic water bore for the purpose of a rural industry comprising the harvesting & bottling of mineral water at Lot 1 DP 735658; No. 477 Uriup Road, Bilambil be approved and the consent be amended as follows:

**1. Delete Condition No. 2 and replace with Condition 2A which reads as follows:**

2A. Deliveries are not permitted during bus hours of operation on Uriup Road, which are 7.30-8.30am and 3.30-4.30pm, Monday to Friday.

**2. Delete Condition No. 4 and replace with Condition No. 4A which reads as follows:**

4A. Daily delivery movements are restricted to ten (10) trips per day (weekdays only) for twelve (12) months (trial period) from the date of this amended consent. Upon cessation of the trial period the daily delivery movements revert back to two (2) trips per day (weekdays only). The proponent may lodge a further Section 96

amended application prior to the cessation of the trial period seeking a further amended trip rate.

[GENNS03]

**3. Insert new Condition 15 as follows:**

**15. Section 94 Contributions**

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Prior to the commencement of the increased daily operation, the applicant shall provide a bank guarantee as outlined in Condition 16 and pay instalment one of the deferred payment agreement under Section 2.9 of Section 94 Plan No.4 - Tweed Road Contribution Plan. Contributions are to be paid in accordance with the agreement.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:  
4.8 Trips @ \$3065 per Trips \$14,712.00

Which will be deferred over the following payment agreement:

<u>Instalment one</u>	
Paid prior to increased daily operation	\$3,678.00
<u>Instalment two</u>	
Paid within 12 months of date of receipt on instalment one	\$3,678.00
<u>Instalment three</u>	
Paid within 12 months of date of receipt on instalment two	\$3,678.00
<u>Instalment four</u>	
Paid within 12 months of date of receipt on instalment three	\$3,678.00

(\$2,928 base rate + \$137 indexation)  
S94 Plan No. 4  
Sector12a\_4

[POC0395/PSC0175]

**4. Insert new Condition 16 as follows:**

16. The applicant shall provide a bank guarantee by a bank for the full amount of the Section 94 Plan No.4 - Tweed Road Contribution Plan contribution or the outstanding balance on condition that:

- (a) the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- (b) the bank unconditionally pays the guaranteed sum to the council if the council so demands in writing not earlier than 12 months from the provision of the guarantee
- (c) the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- (d) the bank's obligations are discharged when payment to the council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required
- (e) where a bank guarantee has been deposited with council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid
- (f) the bank guarantee is provided by an Australian bank or recognised financial institution.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 12 [CNR-CM] Plant Selection Guidelines for Landscaping Public Open Space

133

**Cr G Bagnall**

**Cr M Armstrong**

**RESOLVED** 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 *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.
  - 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.

## **AMENDMENT 1**

134

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

**PROPOSED** 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.

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr P Youngblutt**

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

Amendment 1 was **Lost** on the Casting Vote of the Mayor.

## **AMENDMENT 2**

135

**Cr B Longland**  
**Cr C Byrne**

**PROPOSED** that:

1. Council amends all documentation guiding plant selection in public open space to include the following criteria:
    - Maximise the use of 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 *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.

**FOR VOTE - Cr B Longland, Cr K Milne, Cr P Youngblutt**

**AGAINST VOTE - Cr M Armstrong, Cr G Bagnall, Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

Amendment 2 was **Lost** on the Casting Vote of the Mayor.

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

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

The Motion was **Carried** on the Casting Vote of the Mayor (Minute No 133 refers)

<p><b>A RESCISSION MOTION HAS BEEN RECEIVED FROM COUNCILLORS BYRNE, LONGLAND AND YOUNGBLUTT ON THIS ITEM.</b></p>
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## 13 [CNR-CM] Seniors' Exercise Equipment

136

Cr K Milne

Cr M Armstrong

**PROPOSED** that Council:

1. Includes the consideration of seniors' exercise equipment in the development of the Shire Wide Open Space Strategy.
2. Includes funding in the draft 2015/2016 Budget for the installation of additional seniors exercise equipment and bring back a report on suitable locations in Banora Point.
3. Brings back a report on establishing infrastructure in parks that reflect the demographics of the surrounding area.

## AMENDMENT 1

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137

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

**PROPOSED** that Council includes the consideration of seniors' exercise equipment in the development of the Shire Wide Open Space Strategy.

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr P Youngblutt**

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

Amendment 1 was **Lost** on the Casting Vote of the Mayor.

## **AMENDMENT 2**

138

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

**RESOLVED** that Council:

1. Includes the consideration of seniors' exercise equipment in the development of the Shire Wide Open Space Strategy.
2. Includes funding in the draft 2015/2016 Budget for the installation of additional seniors exercise equipment and bring back a report on suitable locations.
3. Brings back a report on establishing infrastructure in parks that reflect the demographics of the surrounding area.

Amendment 2 was **Carried**

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

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

Amendment 2 on becoming the Motion was **Carried** - (Minute No 138 refers)

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

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.37pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 7.18pm

**14 [CNR-CM] Tweed Shire Sports Field Strategy**

**139**

**Cr K Milne  
Cr M Armstrong**

**PROPOSED** that Council brings back a report with:

1. An explanation of why the proposed provision of sporting fields is greater than the actual rate of use of sportsfields.
2. The additional costs of providing and maintaining sportsfields above and beyond the rate of actual demand.
3. Further advice on the Gold Coast model in regard to future planning of sportsfields in coastal and inland areas.
4. Advice from the Pottsville RSL and the Residents Association in regard to the Pottsville oval.

**AMENDMENT**

**140**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that the Draft Tweed Shire Sports Field Strategy, with the amendments recommended in this report, be adopted.

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

The Amendment was **Carried** on the Casting Vote of the Mayor.

The Amendment on becoming the Motion was **Carried** - (Minute No 140 refers)

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

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**15 [CNR-CM] Amwil Park Community Facility - Lease to Murwillumbah Boxing Club**

141

**Cr G Bagnall**  
**Cr M Armstrong**

**RESOLVED** that:

1. Council approves entering into a lease with the Murwillumbah Boxing Club for the premises located at Amwil Park, 9a Amwil Avenue, Murwillumbah, for a term of one year with an option for a further year, at a lease fee of \$1.00 per annum including maintenance responsibilities of the building.
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

---

16            **[CNR-CM] Local Government Aboriginal Network Conference 2016**

142

**Cr G Bagnall**  
**Cr M Armstrong**

**RESOLVED** that Council:

1. Receives and notes the draft Memorandum of Understanding from the NSW Local Government Aboriginal Network.
2. Accepts the invitation to host the 2016 NSW Local Government Aboriginal Network Conference.
3. Receives a further report to execute the Memorandum of Understanding when the conference theme has been developed with the Aboriginal Advisory Committee and the NSW Local Government Aboriginal Network.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

---

17            **[CNR-CM] Replacement Committee Member - Tweed Coastal Committee**

143

**Cr G Bagnall**

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**Cr M Armstrong**

**RESOLVED** that Council appoints Suzi Bourke to the Tweed Coastal Committee as the nominated community representative from Cabarita Beach/Bogangar for the remaining term of the Committee being September 2016.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

---

**18 [CNR-CM] Australian Government Grant '20MT-94: Tygalgah - Tweed River Riparian Restoration Project'**

**144**

**Cr G Bagnall**  
**Cr M Armstrong**

**RESOLVED** that Council:

1. Accepts the grant offer of \$21,000 from the Australian Government for 20MT-94: *Tygalgah - Tweed River Estuary Riparian Restoration Project* and votes the expenditure.
2. Allocates \$20,000 from the Waterways Program budget for site preparation and follow up maintenance.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

---

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

**145**

**Cr G Bagnall**  
**Cr M Armstrong**

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

<b>Name</b>	<b>Area</b>	<b>Estimate (\$)</b>	<b>Description</b>
Bright	Sleepy Hollow	\$7,000	500 metres of internal fencing to protect revegetation works for the Protecting and linking high conservation value habitats from coast to Burringbar Ridge project.
Ehmann	Stokers Siding	\$2,640	Six person days of ecological restoration.

	<b>Total</b>	<b>\$9,640</b>
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The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

**20 [CNR-CM] Tender Evaluation EQ2014-185 - Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services**

**146**

**Cr G Bagnall**  
**Cr M Armstrong**

**RESOLVED** that:

1. The following service providers, in response to Expressions of Interest EQ2014-185, be listed as Council's Natural Vegetation Regeneration/Restoration Services Panel of Providers for the period ending 21 January 2017:

<b>Provider</b>	<b>ACN Number</b>	<b>ABN Number</b>
• Australian Wetlands Landscapes QLD Pty Ltd	159 981 861	30 159 981 861
• Basically Bush Restoration		37 742 558 257
• Bushland Restoration Services	105 030 573	44 105 030 573
• C A Gale Pty Ltd trading as Complete Weed Maintenance	131 159 432	67 014 289 503
• EnviTE Inc.		51 288 461 579
• Redezign Pty Ltd trading as Forest Restorations	003 576 869	33 035 164 843
• Heggies Bush Regeneration Services		79 334 938 187
• Madhima Gulgan Community Association Inc.		73 873 870 365
• Angus Murray trading as Precision Bush Regeneration		63 540 526 327
• B. J. Cranney, P.G. Poropat and R. J. Schubring trading as Scrubland Restorations		67 609 116 551
• Virida Sylvis		26 425 615 090
• Wollumbin Environmental Services Pty Ltd	162 360 901	72 162 360 901

2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they 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**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

## REPORTS FROM THE DIRECTOR ENGINEERING

### 21 [E-CM] Painted Handrails - Kyogle Road Bridge, Uki

147

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

**RESOLVED** that, in accordance with the adopted position of Council, with regard to zero tolerance to graffiti:

1. Council repaints the handrails on Smiths Creek Bridge Uki as resources permit.
2. The affected family and the Uki Residents Association be consulted regarding options for a suitable alternative memorial to all children lost in the Uki district.
3. The draft Graffiti Plan of Management, currently under development, specifically defines any unauthorised or unapproved painting of public infrastructure assets as graffiti, to be dealt with in accordance with the actions under the Plan.

The Motion was **Carried**

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

**AGAINST VOTE - Cr G Bagnall**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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### 22 [E-CM] Kennedy Drive - Traffic Capacity and the Impact of Development

148

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

**RESOLVED** that:

1. The current spare traffic capacity (being 658 vehicle trips per day) be provided to future development west of Cobaki Creek bridge on a first come - first served basis upon lodgement of a development application.
  2. In determining any future Planning Proposals for sites west of Cobaki Creek Bridge, that Council gives due consideration to the spare traffic capacity remaining on Kennedy Drive at the time of receipt of those Planning Proposals.
  3. No development be approved west of Cobaki Creek Bridge when the remaining spare traffic capacity of 658 vehicle trips per day are fully allocated.
  4. A review of traffic generation and development approvals be undertaken within 12 months of the completion of the four laning of Kennedy Drive between Cobaki Creek bridge and the Pacific Motorway.
-



**AMENDMENT**

149

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

**PROPOSED** that this item be deferred for a Workshop for further information on the impacts to the community.

The Amendment was **Lost**

**FOR VOTE - Cr K Milne**

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

The Motion was **Carried** (Minute No 148 refers)

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**23 [E-CM] Minjungbal Drive Tweed Heads South Streetscaping**

150

**Cr M Armstrong**  
**Cr G Bagnall**

**RESOLVED** Council:

1. Notes the streetscape review of Minjungbal Drive between the interchange with the Pacific Highway and the Kennedy Drive exit.
2. Considers funding the proposed streetscaping plan development in the 2015/2016 financial year budget deliberations with a budget allocation of \$80,000 for the purpose of engaging an urban design consultant.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**24 [E-CM] EC2015-007 Supply of Two (2) Backhoe Loaders Complete with Attachments**

151

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that in respect to Contract EC2015-007 for the Supply of Two (2) Backhoe Loaders Complete with Attachments:

1. Council awards the contract to Komatsu Australia Pty Ltd, ABN 71 143 470 626, ACN 143 470 626 for the amount of \$339,780 (exclusive of GST).
2. ATTACHMENTS 1 and 2 are 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  
ABSENT. DID NOT VOTE - Cr W Polglase**

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**25 [E-CM] RFP2015-032 Supply and Delivery of Prestressed Concrete Bridge Beams and Concrete Piles for New Bridge over Dunbible Creek Mistral Road Murwillumbah**

152

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that in respect to Contract RFP2015-032 Supply and delivery of concrete prestressed bridge beams and concrete bridge piles for the construction of a new bridge over Dunbible Creek Mistral Road Murwillumbah

1. Council awards the Contract RFP2015-032 to Enco Precast Pty Ltd ABN 56 072 772 037, ACN 072 772 037 for the amount of \$286,605.00 (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 W Polglase**

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**26 [E-CM] RFP2015-031 Installation of Concrete Piles for Construction of New Bridge over Dunbible Creek Mistral Road Murwillumbah**

**153**

**Cr G Bagnall**

**Cr M Armstrong**

**RESOLVED** that in respect to Contract RFP2015-031 Installation of Concrete Bridge Piles for the Construction of a New Bridge over Dunbible Creek Mistral Road, Murwillumbah:

1. Council awards the Contract RFP2015-031 to Davbridge Properties Pty Ltd T/A Davbridge Constructions ABN 23 065 240 002, ACN 065 240 002 for the amount of \$107,700.00 (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 W Polglase**

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**27 [E-CM] EC2015-006 Rowlands Creek Road Slip Repair**

**154**

**Cr G Bagnall**

**Cr M Armstrong**

**RESOLVED** that in respect to Contract EC2015-006 Rowlands Creek Road Slip Repair:

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1. Council awards the contract to Earthtec Pty Ltd ABN 25 903 558 582, ACN 093 558 582 for the amount of \$236,800.00 (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 W Polglase***

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**28 [E-CM] Policy - Financial Assistance to Proponents of Recycled Water Schemes**

**155**

**Cr G Bagnall**

**Cr M Armstrong**

**RESOLVED** that Council adopts the Financial Assistance to the Proponents of Recycled Water Schemes Policy, Version 1.0.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr W Polglase***

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

**156**

**Cr K Milne**

**Cr M Armstrong**

**RESOLVED** that this item be deferred to the Council meeting of 16 April 2015.

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**30 [E-CM] Local Walking Trails**

157

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Council:

1. Provides works in kind to Destination Tweed to support their development and promotion of walking trails in the Tweed Shire local government area; and
2. Recommends to Uki Village and District Residents Association to work with Destination Tweed to develop and promote walking trails in the Uki area.
3. Notes ATTACHMENT 2 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**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**31 [E-CM] Review of Council Policy - Unauthorised Private Encroachments on Public Roads**

158

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Council adopts the draft local Policy, Unauthorised Private Encroachments on Council Public Roads, Version 1.0, without amendment to content in accordance with Section 161(1)(b) of the Local Government Act 1993.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**32 [E-CM] Proposed Renaming of Parkes Drive at Tweed Heads West**

159

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

**RESOLVED** that Council:

1. Advertises its intention to rename the section of Parkes Drive at Tweed Heads West allowing 28 days for submissions or objections to the proposal;
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

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**33 [E-CM] Road Naming - Berkleys Lane Pottsville**

160

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

**RESOLVED** that Council:

1. Adopts the name of Berkleys Lane for the unnamed lane from the northern end of Berkleys Lane eastwards to Coronation Avenue at Pottsville; and
2. The naming of the public road be Gazetted under the provisions of the *Road (General) Regulation 2008* and the *Roads Act 1993*.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

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**34 [E-CM] Proposed Road Closure - Boormans Road, Tyalgum**

161

**Cr G Bagnall**

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**Cr P Youngblutt**

**RESOLVED** that Council objects to the closure of the sections of Boormans Road, Tyalgum running through Lots 127 and 128 DP755724 and Lot 2 DP815182 until such time that EPA, Crown Lands and Council are satisfied that the land owner has complied with the relevant environmental remediation requirements of the agencies.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**35 [E-CM] Road Closure Application - Upper Burringbar Road, Upper Burringbar**

**162**

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that in relation to Lot 5 DP821963, 532 Upper Burringbar Road, Upper Burringbar:

1. Council objects to the closure and private purchase of the Crown road reserves within Lot 5 DP821963, 532 Upper Burringbar Road, Upper Burringbar.
2. Should Crown Lands allow the closure and private purchase of these road reserves it is requested that a right of carriageway be created for the potentially land locked parcels to ensure future access, should it be required, and caveats be placed on the Title of Lot 5 DP821963 to minimise any further impact on the disturbed mature and young forest along with the fauna corridor and Koala Habitat.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**36 [E-CM] Road Closure Application - Mount Burrell Road, Mount Burrell**

**163**

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that in relation to the closure and private purchase of the Crown Road Reserve south of Lot 2 DP777311 and Lot 3 DP771763:

1. Council objects to the closure and private purchase of the Crown Road Reserve south of Lot 2 DP777311 and Lot 3 DP771763.
2. Should Crown Lands allow this section of road to be close and purchased it is requested that a caveat be placed on the titles by Crown Lands to minimise any further impact on the disturbed mature and old growth forest along with the fauna corridor and Koala Habitat.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**37 [E-CM] Road Closure and Transfer - Chilcotts Road, Crystal Creek**

**164**

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Council:

1. Approves the road closure of part of the road reserve of Chilcotts Road, Crystal Creek adjacent to Lot 1 DP 617401;
2. Approves the transfer of the road closure parcel to the owner of Lot 1 DP 617401;
3. Bears all costs relating to the road closure and transfer; and
4. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**LATE ITEM**

**165**

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that Item a37 [E-CM] Northern Rivers Rail Trail Inc. Expression of Interest in Restart NSW Funding being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

**a37 [E-CM] Northern Rivers Rail Trail Inc. Expression of Interest in Restart NSW Funding**

**166**

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

**RESOLVED** that:

1. Council endorses the draft Expression of Interest prepared by Northern Rivers Rail Trail Inc. for the Casino to Murwillumbah Rail Trail under the Restart New South Wales Regional Tourism Infrastructure Fund.
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**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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## **REPORTS FROM THE DIRECTOR CORPORATE SERVICES**

**38 [CS-CM] Council and Planning Committee Meeting Venue - April 2015**

**167**

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

**RESOLVED** that the April 2015 Council and Planning Committee Meetings be convened in the Council Chambers Murwillumbah.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**39 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 October to 31 December 2014**

168

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

**RESOLVED** that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 October to 31 December 2014.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

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40            **[CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors - Policy Review (Version 1.9)**

169

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

**RESOLVED** that under the provisions of Section 253(1) of the Local Government Act 1993, places on public exhibition for at least 28 days the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 1.9.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

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41            **[CS-CM] In Kind and Real Donations - October to December 2014**

170

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

**RESOLVED** that Council notes the total in kind and real donations of \$77,903.38 for the period October to December 2014.

The Motion was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

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**42 [CS-CM] Five Year Panel Contract EC2014-069 for the Provision of Master Operating Lease Finance for IT, Communications and Scientific Equipment**

171

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

**RESOLVED** that in respect to Contract EC2014-069 for the Provision of Master Operating Lease Finance for IT, Communications and Scientific Equipment:

1. Council awards the contract to Macquarie Bank Limited ACN 008 583 542, ABN 46 008 583 542 and Capital Finance Australia Limited ACN 069 663 136, ABN 23 069 663 136 for an initial three year term with the option to extend for a further two, one-year terms.
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, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:
  - (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**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**43 [CS-CM] Review of Local Preference Policy**

172

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

**RESOLVED** that:

1. Council notes the Audit Committee recommendations from the unconfirmed minutes of its Extraordinary Meeting held on 25 February 2015 as follows:
  - i. That the Audit Committee endorses the concerns of Internal Audit on the cost benefits of the program as it is currently structured.
  - ii. That the Audit Committee endorses the Internal Audit recommendation for simplification of the policy to reduce the administrative burden whilst still meeting the objectives of the policy.

- iii. That the Audit Committee recommends that the policy be amended to remove operational aspects which should be retained in a protocol.
  - iv. That the Audit Committee recommends Council consider the adoption of the following recommendations to the content of the policy:
    - a) That the Local Preference schedule be simplified for tenderers to complete.
    - b) Management develop an automated spreadsheet for assessment of tenders.
    - c) The tender price threshold for the application of Local Preference be raised to \$50,000.
  - v. That the Audit Committee endorses Management's recommendation to workshop the proposed changes to the policy with Councillors.
2. A further report be brought back to the May 2015 Council meeting on the Local Preference Policy, which addresses the recommendations of the Audit Committee.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr W Polglase***

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**44 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 28 February 2015**

**173**

**Cr G Bagnall**

**Cr P Youngblutt**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 28 February 2015 totalling \$205,474,237 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr W Polglase***

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**ORDERS OF THE DAY**

**45 [NOR] Black Rocks Sports Field**

**174**

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

**RESOLVED** to hereby give notice that at the Ordinary Meeting of Council of 21 May 2015, it will moved that the resolution from the meeting held on 19 February 2015 at Minute No 58 Item No 1 titled Confirmation of Ordinary and Confidential Council Meeting held Thursday 22 January 2015, being:

*"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 Rock 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***

and that this be received and Noted by Council at this time.

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**46 [NOM] Black Rocks Sports Field**

**NOTICE OF MOTION:**

**175**

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

**RESOLVED** to hereby give notice that at the Ordinary Meeting of Council of 21 May 2015 Cr B Longland will move that the Minutes of the Ordinary and Confidential Council Meetings held on Thursday 22 January 2015 be adopted as a true and accurate record of proceedings of that meeting, subject to Minute No 39 Item No 27 titled [NOM] Black Rocks Sports Field, being:

*"that Council:*

1. *Commissions a study using the methodology contained in the currently exhibited Comprehensive Koala Plan of Management to obtain baseline data on koala numbers in the Black Rocks Sports Field precinct.*
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.*
3. *Brings a report to a future Council Meeting with recommended options to address the impacts of "hooning" behaviour on the entrance road to the playing fields."*

be amended as follows:

*"that Council:*

1. *Commissions a study using the methodology contained in the currently exhibited Comprehensive Koala Plan of Management to obtain baseline data on koala numbers in the Black Rocks Sports Field precinct. To complete the study without delay, the General Manager is authorised to accept the assistance offered by the Office of Environment and Heritage by letter dated 19 February 2015.*
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. The gates should not be replaced with a koala grid until the study referred to in paragraph 1 is complete.*
3. *Brings a report to a future Council Meeting with recommended options to address the impacts of "hooning" behaviour on the entrance road to the playing fields."*

and that this be received and Noted by Council at this time.

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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#### 47 [NOM] Eradication of Feral Animals

##### NOTICE OF MOTION:

176

**Cr G Bagnall**

**Cr B Longland**

**RESOLVED** that Council contacts relevant Government Departments regarding the eradication of feral animals in Black Rocks/Dunloe Park locality as these pose a distinct threat to the survival of the koalas in this area.

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The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**48 [NOM] Tweed Coast Koala Distribution**

**NOTICE OF MOTION:**

**177**

**Cr G Bagnall**

**Cr B Longland**

**RESOLVED** that Council, as part of its preparations to resurvey the Tweed Coast Koala population, investigates and reports the possible use of drone technology, similar to that recently employed by researchers from Queensland University of Technology, to establish the size and distribution of the Tweed Coast koala population.

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**49 [NOM] Speed Camera on Clothiers Creek Road**

**NOTICE OF MOTION:**

**178**

**Cr B Longland**

**Cr P Youngblutt**

**RESOLVED** that, in an effort to influence driver behaviour in areas where koala fatalities due to motor vehicle strike are known to have occurred, Council nominates Clothiers Creek Road for the installation of a speed camera via the Safer Roads NSW website, for review by the NSW Centre for Road Safety.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**50 [NOM] Private Native Forestry in the Tweed Shire**

**NOTICE OF MOTION:**

**179**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Council:

1. Requests the Hon Rob Stokes MP, Minister for the Environment:
  - a. Undertake an urgent review of the Private Native Forestry approvals in the Tweed Shire particularly in regard to the three approvals granted in the northern corridor from Wollumbin / Mt Warning.
  - b. Review the suitability of Private Native Forestry in the Tweed Shire in regard to the potential visual impacts on this National Iconic Landscape, and potential impacts on threatened species and the Tweed Koalas particularly in light of the Tweed having the highest number of threatened species in Australia.
  - c. At a minimum improve the approvals processes to require consultation with Council and the community, and comprehensive ecological studies including, but not limited to, on ground flora and fauna surveys, visual impact assessment and cultural heritage assessment utilising the Bundjalung Mapping Project.
  - d. Implement a moratorium on any future approvals for Private Native Forestry in the Tweed Shire until the outcomes emanating from the review are finalised and implemented.
2. Seeks the support of Local Members of Parliament and NSW election candidates for Tweed and Lismore.

The Motion was **Carried**

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

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

***ABSENT. DID NOT VOTE - Cr W Polglase***

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**51 [NOM] Sustainable House Innovations for Council**

**NOTICE OF MOTION:**

**180**



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

**RESOLVED** that Council invites Mr Michael Mobbs to a workshop to discuss the potential for Council policies to facilitate and encourage the innovations achieved in the Sustainable House Myrtle St, Chippendale, Sydney, including but not limited to:

- Collection of water, including drinking water from the roof
- Generation of electricity from the sun
- Processing of all wastewater, including sewage, on site
- Stormwater retention
- Nature strip design
- Street pavement surfacing to reduce the urban heat island effect

The Motion was **Carried**

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

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**52 [NOM] Road Contributions for new Small Businesses**

**NOTICE OF MOTION:**

**181**

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

**PROPOSED** that Council brings forward a report on potential options for alleviating the burden of the s94 road contributions on small businesses including, but not limited to, requiring major developments to bear the full burden of major road infrastructure costs required for such developments rather than just the portion of road capacity used by those developments.

The Motion was **Lost**

**FOR VOTE - Cr K Milne, Cr M Armstrong**

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

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**53 [NOM] Fees and Charges for Small Businesses**

**NOTICE OF MOTION:**

**182**

**Cr K Milne**

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**Cr M Armstrong**

**RESOLVED** that the matter be deferred until the Council meeting of 16 April 2015.

The Motion was **Carried**

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

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**QUESTIONS ON NOTICE**

**54 [QON-Cr B Longland] Koala-Proof Fencing**

**QUESTION ON NOTICE:**

Councillor B Longland asked:

"Can an approximate estimate be provided for the cost of fully enclosing the Black Rocks Oval with koala-proof fencing?"

The Director Community and Natural Resources advised the current cost to construct a Koala exclusion fence is approximately \$125 per linear metre installed. The perimeter of Black Rocks Sportsfields and access road is approximately 1500m. Total estimated cost to install a koala exclusion fence around the fields and access road is approximately \$187,500.

To fence the sportsfields only and not include the access road would cost approximately (800m x \$125) \$100,000.

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**55 [QON-Cr K Milne] Major Road Infrastructure Funding**

**QUESTION ON NOTICE:**

Councillor K Milne asked:

"What is the current and projected shortfall in major road infrastructure funding required as a result of major greenfield developments planned for the Tweed Shire?"

Would concentrating development in the north of the Shire rather than facilitating development in other greenfield areas, alleviate the burden on ratepayers from this road infrastructure shortfall and, if so, how could this be achieved?"

The Director Engineering responded that:

The Tweed Road Contribution Plan (TRCP) enables Council to levy Section 94 developer contributions for the provision of additional road capacity to service increased traffic loading as a result of urban growth and other development demands.

The Tweed Road Development Strategy (TRDS) predicts traffic growth based on current and planned road use within the Shire, in order to define Council's long-term road improvement strategy. The TRDS, which was last updated in 2007, provides the basis for the works program within the TRCP.

Based on actual costs and 2011 estimates for works, the cost of road infrastructure projects that Council has or will need to fund is \$588 million. Based on the subsequent contribution rates calculated in the plan, and the extent and distribution of the anticipated future development, the TRCP will recover 48% (\$284.5 million) from development. The balance of the cost of the road infrastructure program (\$303.5 million) will be funded from other sources, and represents an investment in the "spare capacity" of the road network that will remain once the current anticipated levels of development are achieved.

Council will be unable to fund the balance of the works program from its capital works budget, so will need to seek significant contributions from State and Federal Governments. Council has been successful in receiving grant funds for the construction of two recent TRCP projects namely Kennedy Drive and Kirkwood Road. Council should also continue to seek reclassification of the arterial road network to State and Regional roads. This would transfer responsibility of many of these major road upgrade projects, particularly those involving highway interchanges, service roads and bridges to the State, as has previously occurred in the Central Coast in recognition of their major urban centre status. This approach would alleviate the potential burden on Council and its rate-base from excessive borrowing or rate increases to fund the forecast shortfall.

The majority of growth areas and related road infrastructure projects are located in the north of the Shire. These road projects include Kirkwood Road, Kennedy Drive, Terranora Creek service roads, Cobaki Parkway and Scenic Drive Diversion. These projects will service land releases in Cobaki, Bilambil Heights, and Area E Terranora, as well as significant infill development in Tweed Heads, Tweed Heads South and Banora Point.

Restriction of growth on the Tweed Coast and other areas may delay but would not remove the need for these major road projects in the northern area, and would increase the cost burden on Council by reducing Section 94 income, and by reducing the proportion of these projects that are attributable to growth. That is, it would lead to Council investing a greater proportion towards "spare capacity" in these major road projects that could otherwise be funded by developers.

Where Section 94 balances are insufficient to forward fund TRCP works program projects that are needed to service pending development projects, there are provisions in the TRCP that allow the developer to carry out the works necessary for the development and to receive credits against the TRCP. This reduces financial risk for Council of excessive borrowing and under utilisation of infrastructure.

There are, of course, much wider considerations for the strategic planning of future urban growth than just road infrastructure, and major potential implications for changing long standing strategic plans which would require a whole of Council response.

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 56 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 November 2014

183

Cr G Bagnall  
Cr P Youngblutt

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 November 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

GB1(c) Naming of Bogong Road

*That Council:*

1. *Supports the use of local Aboriginal names rather than Aboriginal names from outside the area.*
2. *Notes that the Aboriginal Advisory Committee does not support the name of 'Bogong Road' as an option at the Altitude Aspire development in Terranora as it is not a local Aboriginal word.*
3. *Resolves its intention to rename the road Bogong Road and to seek submissions from the Aboriginal Advisory Committee and members of the public for a period of 28 days.*

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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### 57 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 December 2014

184

Cr G Bagnall  
Cr P Youngblutt

**RESOLVED** that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 December 2014 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**58 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 9 February 2015**

**185**

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

**RESOLVED** that the Minutes of the Sports Advisory Committee Meeting held Monday 9 February 2015 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**59 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 11 February 2015**

**186**

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

**RESOLVED** that the Minutes of the Tweed River Committee Meeting held Wednesday 11 February 2015 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**60 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 February 2015**

**187**

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

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**RESOLVED** that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 February 2015 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr W Polglase**

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**61 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 February 2015**

**188**

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

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 19 February 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A1 [LTC] ANZAC Day Service - Murwillumbah**

*That Council approves the temporary closure of roads in the Murwillumbah CBD associated with the ANZAC Day ceremony on 25 April 2015 to 25 April 2018 subject to Police approval for each event and standard conditions.*

**A2 [LTC] Pandanus Parade, Cabarita**

*That Council supports the partial closure of Pandanus Parade and adjacent parking for the conduct of the Caba Eco Carnivale on Sunday 1 March 2015, subject to submission of a suitable traffic management plan and provision of evidence of support of the Cabarita Beach Surf Life Saving Club.*

**A4 [LTC] Leisure Drive and Fraser Drive, Banora Point**

*That the existing "No Stopping" sign on Fraser Drive between the access to Twin Towns Junior Club and Leisure Drive be relocated towards Leisure Drive and a 15m "No Parking, Buses Excepted" zone be installed.*

**A5 [LTC] Terranora Road, Terranora**

*That a convex safety mirror be approved for installation on Terranora Road opposite the driveway entrance to 327 Terranora Road, subject to available funding.*

**A6 [LTC] Marine Parade, Kingscliff**

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*That:*

1. *The "Loading Zone" adjacent to the Information Centre on Marine Parade Kingscliff be limited to "6am- 6pm Monday-Saturday".*
2. *A "No Parking - Police/Emergency Vehicles Excepted" be installed on Marine Parade adjacent to the Kingscliff Beach Hotel.*

**A7 [LTC] National Masters Cycling Championships 2015**

*That the proposed criterium races for the 2015 National Masters Championships are not supported in their proposed locations and the applicant needs to put forward alternate sites to reduce the impact on the road network and consult with impacted stakeholders.*

**A8 [LTC-LATE] Lennox Circuit, Pottsville**

*That a yellow edge line to signify "No Stopping" be installed on Lennox Circuit on the north west corner of the development located at 3 - 15 Lennox Circuit.*

**A9 [LTC] Eucalyptus Drive, Banora Point**

*That:*

1. *The angled spaces on Eucalyptus Drive adjacent to Centaur Primary School be widened by removing one or two spaces and all the spaces be signposted as 'No Parking 8.00 - 9.30am and 2.30 - 4.00pm School Days'.*
2. *Council rangers be requested to patrol the area surrounding Centaur Primary School, encouraging parents to park safely.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

**189**

**Cr P Youngblutt**

**Cr M Armstrong**

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

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase**

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE GENERAL MANAGER IN COMMITTEE**

**C1 [GM-CM] Destination Tweed - Quarterly Report for the Quarter October to December 2014**

**REASON FOR CONFIDENTIALITY:**

Discussion of this report in open Council could affect the ongoing business relationship with Destination Tweed.

**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 13**

That Council:

1. Receives and notes Destination Tweed's Quarterly Report for the quarter October to December 2014.
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**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C2 [PR-CM] Site 199 Tweed River Hacienda Caravan Park**

**REASON FOR CONFIDENTIALITY:**

This report has been made Confidential so as not to prejudice any future legal proceedings.

**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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**C 14**

That Council continues with the current Land and Environment Court Class 4 civil proceedings No. 14/41067 to remedy the breaches of the Local Government Act 1993 and its Regulations to bring the structures on Site 199 of the Tweed River Hacienda Caravan Park into compliance with statutory provisions.

Cr C Byrne temporarily left the meeting at 08:45 PM.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr C Byrne, Cr W Polglase***

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**REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE**

**C3 [CS-CM] Code of Conduct**

**REASON FOR CONFIDENTIALITY:**

Report is to be considered by Council in Closed Committee in accordance with the requirements of the Local Government Act 1993 and the Administration of the Model Code of Conduct procedure v1.0.

**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: -

- (i) *alleged contraventions of any code of conduct requirements applicable under section 440.*

**C 15**

That the advice from the Office of Local Government in relation to the Code of Conduct referral be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr G Bagnall, Cr C Byrne, Cr W Polglase***

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**190**

**Cr P Youngblutt**

**Cr M Armstrong**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr W Polglase***

There being no further business the Meeting terminated at 8.49pm.



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**

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