



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Minutes

Ordinary Council Meeting Thursday 17 March 2016

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 K Milne (Mayor), Cr G Bagnall (Deputy Mayor), Cr C Byrne, Cr B Longland, 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 Russ Merry (Coordinator-Corporate Records) and Mrs Meredith Smith (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.

*"Lord, make me an instrument of thy peace.
Where there is hatred, let me sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
Where there is sadness, joy.*

*O divine Master, grant that I may not so much seek
To be consoled as to console,
To be understood as to understand,
To be loved as to love;
For it is in giving that we receive;
It is in pardoning that we are pardoned;
It is in dying to self that we are born to eternal life.*

Amen".

CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 18 February 2016

98

Cr C Byrne
Cr B Longland

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 18 February 2016 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

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

- 2 [CONMIN-CM] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 3 March 2016

99

Cr B Longland
Cr G Bagnall

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 3 March 2016 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

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

APOLOGIES

Cr P Youngblutt has informed the General Manager that his absence is caused by illness.

100

Cr G Bagnall
Cr B Longland

RESOLVED that the apology of **Cr P Youngblutt** be accepted and the necessary leave of absence be granted.

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

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 Schedule of Outstanding Resolution as at 17 March 2016 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for February 2016

101

Cr K Milne

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

The Motion was **Carried**

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

102

Cr W Polglase
Cr C Byrne

RESOLVED that Crs Byrne, Longland and Polglase be authorised to attend the National General Assembly of Local Government in Canberra on 19-22 June 2016.

AMENDMENT

103

Cr K Milne
Cr G Bagnall

PROPOSED that the Mayor be Council's delegate to attend the National General Assembly of Local Government in Canberra on 19-22 June 2016.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 102 refers).

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

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

104

Cr C Byrne
Cr G Bagnall

RESOLVED that the following tabled Petitions be received and noted:

- A Petition from Menkit Prince containing 40 signatures

"We the people of Uki, Tweed Shire, Australia and the world call on you to please act urgently to protect Tweed Coast's koalas. The Tweed Coast Koala Habitat Study 2015 shows koala populations are in severe decline north of Koala Beach and stable at Pottsville/Black Rocks. However, stable only means the same low levels as 2010. In December 2015 another two Black Rocks koalas have been found with conjunctivitis/chlamydia, one of them a joey. Chlamydia is linked to stress-related disturbance/noise and there is clearly already too much stress at Black Rocks without adding more. In the last two year, four Black Rocks koalas have died of stress-related disease. Out of a small population of an estimated 15 in the Pottsville/Black Rocks area, this high rate of death is unsustainable. Black Rocks koalas have no protection under the Council's Tweed Coast Koala Plan of Management (KPoM). Their own independent KPoM is outdated and its recommendations - only small dogs in enclosed yards, no dangerous breeds, monitoring every 12 months for 3 years - are not implemented. In the Tweed Valley Weekly 18th September, 2014 issue you said, "I am keen to protect koalas

and have them thrive." We voted you into council believing you would protect the environment. Over the last two years you have voted against effective protection for Black Rocks koalas. You have also been the main instigator for the koala protection gate to be replaced with a grid, and you approved a Men's Shed on the sports field. Both of these things will increase the human footprint and cause more disturbance, noise, and stress for the koalas. We acknowledge that you hold the balance of power in council. Therefore your motions and votes are CRITICALLY IMPORTANT. Please call for an urgent rescission motion on removing the koala-protection gate and the Men's Shed, and put in a motion for revegetation and enclavement for Black Rocks sports field. You have the power to save these koalas for the sake of Tweed Coast koalas. Barry, please don't let us, and the koalas, down."

and further requesting that Council print the text of a previous Petition addressed to Cr Longland on February 18, 2016 containing 33,955 signatures in the Council Minutes of 17 March 2016.

Note: In accordance with the Code of Meeting practice Council cannot accede to this request on the previous petition as it was addressed to Councillor B Longland and not to Council and it was noted in the Minutes of 18 February 2016 that the Petition would be provided to Councillor B Longland for his information.

- A Petition from the residents (53 Signatures and 2 Statutory Declarations) living adjacent/nearby to Frangela Drive Reserve and/or using the reserve on a regular basis resolve (resolution by Community Meeting held 8 March 2016) that:

This community meeting urgently requests that by the 18th April 2016, Tweed Shire Council establishes a Flying Fox Camp Management Plan in conjunction with the community residents affected under the rules of the NSE Office of Environment and Heritage Policy 2015.

The Motion was **Carried**

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

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Destination Tweed Quarterly Report October to December 2015

105

Cr W Polglase

Cr B Longland

RESOLVED that Council:

1. Receives and notes the Destination Tweed's Quarterly report for the quarter October to December 2015.
2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENTS 2 and 3 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 - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

7 [CNR-CM] Draft Kingscliff - Dreamtime Coastal Zone Management Plan for Public Exhibition

106

**Cr B Longland
Cr W Polglase**

RESOLVED that Council formally places the *Draft Kingscliff – Dreamtime Coastal Zone Management Plan* on public exhibition for a period of 42 days and seeks public submissions for a period of 42 days from the date of exhibition.

The Motion was **Carried**

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

8 [CNR-CM] Submission to the NSW Coastal Management Reforms

107

**Cr B Longland
Cr C Byrne**

RESOLVED that Council notes the submission forwarded on 29 February 2016 to the NSW Government's Coastal Management Reforms Stage 2.

The Motion was **Carried**

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

9 [CNR-CM] Draft Sustainable Agriculture Strategy

108

**Cr W Polglase
Cr K Milne**

RESOLVED that Council places the Draft Tweed Sustainable Agriculture Strategy on public exhibition for a period of 28 days and seeks public submissions for a period of 42 days from the date of exhibition.

The Motion was Carried

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

10 [CNR-CM] Foysters Jetty Emergency Vessel Repairs Policy

109

Cr C Byrne
Cr W Polglase

RESOLVED that Council adopts the Foysters Jetty Emergency Vessel Repairs Policy Version 1.0.

The Motion was **Carried**

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

11 [CNR-CM] Black Rocks Sports Field Entrance Options

110

Cr G Bagnall
Cr C Byrne

PROPOSED that Council upgrades the gate at the entrance to the Black Rocks Sports Field to provide a solar-powered electronic, automated vehicle gate. The upgrade will include remodelling of pedestrian access arrangements, landscaping and rationalisation of signage.

AMENDMENT

111

Cr B Longland
Cr W Polglase

RESOLVED that this item be deferred for consideration at the next Council meeting.

The Amendment was **Carried**

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

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

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

SUSPENSION OF STANDING ORDERS

112

Cr K Milne
Cr B Longland

RESOLVED that Standing Orders be suspended to deal with Item 37 of the Agenda.

The Motion was **Carried**

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

37 **[NOM] Future of Black Rocks Sports Field**

113

Cr B Longland
Cr W Polglase

PROPOSED that:

1. Council conducts a mail survey of all ratepayers of the lower Tweed coast (Postcode 2489) seeking their preferred option regarding the future of the Black Rocks Sports Field at Pottsville.
2. The letter to each ratepayer be written in the following terms:

"There have been calls from some over the past four years for Council to close the Black Rocks Sports Field at Pottsville and re-vegetate the area. The field occupies 4 hectares at the eastern boundary of 271 hectares of the Black Rocks Koala Activity Precinct which, according to a recent study, supports a stable koala population. That habitat forms part of the designated koala activity precincts surrounding Pottsville totalling 922 hectares.

Council has a responsibility to provide adequate green space for outdoor recreational use to support healthy communities. The loss of this playing field will likely impact on access to attractive and useable green space for the expanding population of the Pottsville area. For this reason, Council has resolved to seek the opinion of lower Tweed coast residents and ratepayers on their preferred option regarding the future of the Black Rocks Sports Field.

If it is determined that the Sports Field should be retained, expert advice recommends that the entry to the field be designed to mitigate against the potential for koalas to enter the nearby urban environment. This will involve either a koala grid or a gate at the entrance.

Council values your opinion and thanks you for your input to this process. Please circle your preferred option, sign and return to Council in the reply paid envelope by 1 May 2016.

Option 1- Retain the Sports Field and install an automated gate which will be self-opening during daylight hours and closed in darkness when koalas are most active.

Option 2 - Close Black Rocks Sports Field and re-vegetate the area.

*Signed
(only one survey form per household)"*

3. The mail-out will be on Council letterhead, include a reply paid envelope with each letter carrying unique identification for reconciliation on return.
4. The result of the mail survey is to be reported to the May 2016 Ordinary Meeting of Council.

AMENDMENT

114

**Cr K Milne
Cr W Polglase**

RESOLVED that this item be deferred for a workshop to be scheduled to work on wording for the proposed survey.

The Amendment was **Carried**.

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

The Amendment on becoming the Motion was **Carried** - (Minute No 114 refers)

FOR VOTE - Cr W Polglase, Cr C Byrne, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr P Youngblutt

RESUMPTION OF STANDING ORDERS

115

**Cr K Milne
Cr C Byrne**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

12 **[CNR-CM] RFO2015176 Riverbank Stabilisation at Clarrie Purnell Park
Condong**

116

**Cr C Byrne
Cr W Polglase**

RESOLVED that in respect to Contract RFO2015176 Riverbank Stabilisation at Clarrie Purnell Park Condong:

1. Council awards the contract to Marine Civil Contractors Pty Ltd ABN 38 088 695 854 for the amount of \$193,201.73 (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, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

AMENDMENT

117

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred to schedule a workshop to investigate other options.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 116 refers)

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

13 [CNR-CM] Offer Assessment for RFO2015122 Supply and Application of Water Sealing Membrane on the Tweed Heads Civic Centre Roof

118

**Cr G Bagnall
Cr K Milne**

RESOLVED that in respect to Request for Offer RFO2015122 Supply and Application of Water sealing Membrane on the Tweed Heads Civic Centre Roof:

1. Council awards the contract to Duraguard Pty Ltd (ABN 81 163 376 378) for the amount of \$245,454.55 (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 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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt

14 [CNR-CM] Recommendation to Extend the Contract for the Management of Stotts Creek Landfill

119

Cr G Bagnall
Cr K Milne

RESOLVED that:

1. Council delegates authority to the General Manager to enter into an agreement to extend the contract (EC2013-139) for the Management of Stotts Creek Resource Recovery Centre for a further 12 months as per the provisions in the contract with an upper value of one million dollars.
2. The General Manager is given delegated authority to approve variations up to \$150,000.

The Motion was Carried

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

REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] Engagement of Consultant for Concept Design of the Raising of Clarrie Hall Dam

120

Cr B Longland
Cr W Polglase

PROPOSED that:

1. Council accepts the proposal, Clarrie Hall Dam Raising Concept Design, from NSW Public Works in the amount of \$750,860 including GST.
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.

Cr C Byrne temporarily left the meeting at 06:23 PM.

The Motion was **Lost** on the Casting Vote of the Mayor.

FOR VOTE - Cr W Polglase, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

PROCEDURAL MOTIONS

121

Cr K Milne

Cr B Longland

RESOLVED that Items 16 to 20 be considered in block.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

122

Cr K Milne

Cr B Longland

RESOLVED that Items 16 to 20 be moved in block.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

16 [E-CM] Proposed Stormwater Upgrade between Elanora Avenue and Cudgera Creek, Pottsville

123

Cr K Milne

Cr B Longland

RESOLVED that Council:

1. Provides landowner's consent for the making of a Part V application for the proposed stormwater works on Lot 13 DP 253910.
-

2. Issues a licence for temporary access onto the subject land to undertake the approved works.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

17 [E-CM] Review of Demand Management and Water Efficiency

124

Cr K Milne

Cr B Longland

RESOLVED that:

1. A Community Reference Group of up to 10 members be formed to:
 - a) Review the assessment of the existing Demand Management Strategy and Implementation Plan.
 - b) Identify additional demand management measures.
 - c) Consider the analysis of those measures.
 - d) Make recommendations to Council on demand management and water efficiency.
 - e) Provide criteria on which the efficacy of adopted measures can be assessed.
2. The Community Reference Group be formed through seeking nominations by public advertisement.
3. After assessment of nominations, Council selects the members of the Community Reference Group.
4. Council resolves to accept the draft Terms of Reference for the Community Reference Group.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

18 [E-CM] Offer RFO2016001 Oyster Point Road Banora Point East - Road Upgrade Wilson Park to Anderson Street

125

**Cr K Milne
Cr B Longland**

RESOLVED that in respect to Contract RFO2016001 Oyster Point Road Banora Point East Road Upgrade Wilson Park to Anderson Street:

1. Council awards the contract to East Coast Asphalt & Concrete Edging Pty Ltd (ABN 51 755 877 285) for the amount of \$142,387.18 (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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne***

19 [E-CM] Acquisition of Land for Road Widening Purposes - Kyogle Road, Kunghur

126

**Cr K Milne
Cr B Longland**

RESOLVED that Council:

1. Approves the acquisition of approximately 2223m² from Lot 4 in DP868372 for public road, and
 2. Approves the amount of compensation payable of \$5,000 to the landowner as shown in the body of the report, and
 3. Dedicates the subject land as road following gazettal of the acquisition, and
-

4. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

20 [E-CM] Access from Curtawilla Street, Banora Point

127

Cr K Milne

Cr B Longland

RESOLVED that

1. Council approves the registration of a Right of Carriageway over Lot 28 DP 250909 for the benefit of Lot 12 DP 1003644 subject to development consent for the development of Lot 12 in DP 1003644 being granted.
2. Council approves the provision of landowner's consent to the development application over Lot 12 in DP 1003644 for the development of social housing.
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr C Byrne

Cr C Byrne has returned from temporary absence at 06:25 PM

a20 [E-CM] RFO2016017 Supply of Stormwater Products for Elanora Avenue Southern Catchment Drainage Project

LATE ITEM

128

Cr K Milne

Cr B Longland

RESOLVED that Item a20 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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt

129

Cr B Longland
Cr K Milne

RESOLVED that in respect to Offer RFO2016017 Supply of Stormwater Products for Elanora Avenue Southern Catchment Drainage Project:

1. Council declines to accept any of the offers as they were considered non-conforming or not value to Council and therefore takes action in accordance with the Local Government (General) Regulation 2005 Clause 178 Acceptance of Tenders.
2. Council enters into negotiations in accordance with Local Government (General) Regulation 2005 Clause 178(3)(e) and (4) and the Independent Commission Against Corruption (ICAC) Guidelines with companies that are known to supply concrete pipes to Australian Standards namely Rocla Australia Pty Ltd and Humes Pty Ltd.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

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

b20 [E-CM] Update RFO2016017 Supply of Stormwater Products for Elanora Avenue Southern Catchment Drainage Project

LATE ITEM

130

Cr K Milne
Cr B Longland

RESOLVED that Item b20 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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt

131

Cr K Milne
Cr B Longland

RESOLVED that in respect to RFO2016017 Supply of Stormwater Products for Elanora Avenue Southern Catchment Drainage Project:

1. Council accepts the offer from Rocla Pipeline Products for the amount of \$162,602.81 excluding GST as a result of negotiations in accordance with the Local Government (General) Regulation 2005 Clause 178 Acceptance of Tenders.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

21 [CS-CM] Councillors - Payment of Expenses - Disputed Claims

132

Cr W Polglase
Cr C Byrne

RESOLVED that the review of the disputed Councillor Expense Claims by the Chair of the Audit Committee be received and noted and the disputed claims be reimbursed in accordance with past practice.

The Motion was Carried

FOR VOTE - Cr W Polglase, Cr C Byrne, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr P Youngblutt

Cr C Byrne requested that the Minutes reflect her intention to donate the amount reimbursed to her under the above resolution (Minute No 131 refers) to *Save the Koalas*.

ADJOURNMENT OF MEETING

Adjournment for Dinner at 6.41pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.24pm

22 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 2.0

133

**Cr B Longland
Cr W Polglase**

RESOLVED that the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy v2.0 be adopted with the amendment to Clause 2 as follows:

- Meetings with Community Groups, Associations (including Incorporated Associations) and other special interest groups concerning issues likely to be the subject of Council consideration.

The Motion was Carried

FOR VOTE - Cr W Polglase, Cr C Byrne, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr P Youngblutt

23 [CS-CM] Community Sponsorship Policy, Version 1.0

134

**Cr W Polglase
Cr B Longland**

RESOLVED that Council:

1. Adopts the Community Sponsorship Policy, Version 1.0.
2. Removes all reference to the Donations (Financial Assistance) Policy Version 1.2.
3. Opens applications for financial assistance under the Community Sponsorship Policy from Monday 21 March to Friday 22 April 2016.

The Motion was Carried

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

24 [CS-CM] Tweed Valley Country Roots Festival - 1-2 October 2016

135

**Cr B Longland
Cr C Byrne**

RESOLVED that:

1. Council receives the Event Management Plan for the Tweed Valley Country Roots Fest to be held at the Murwillumbah Showground from 1 to 2 October 2016 and notes that any impacts will be assessed by relevant Council officers for compliance, concurrence and/or conditioning as required.
2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt***

25 [CS-CM] Support Renewal - Battle of the Border

136

Cr W Polglase

Cr C Byrne

RESOLVED that:

1. Council agrees to establish a new three year financial arrangement with QSM Sports for the Battle of the Border Cycling Festival, on an in-kind basis and on a sliding financial scale, in keeping with the newly adopted Tweed Shire Events Strategy 2016-2020:

2016	2017	2018
\$10,000	\$7,500	\$5,000

2. Any funding provided to QSM Sports for the Battle of the Border cycling events is conditional upon QSM Sports providing Council with a report detailing the return on investment arising out of each year's event.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (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 - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

26 [CS-CM] Tender AC2014-015 Provision of Legal Services - Extension Option

137

Cr W Polglase

Cr B Longland

RESOLVED that Council, in accordance with Tender AC2014-015 Provision of Legal Services:

1. Enacts the option to appoint for a further two years to 31 March 2018, the panel providers listed as follows:

Category 1: Planning and Environmental Law (litigation and advice)

Wilshire Webb Staunton Beattie
Marsdens
Sparke Helmore
Maddocks
Lindsay Taylor Lawyers
HWL Ebsworth
DLA Piper

Category 2: Local Government Law (litigation and advice)

Marsdens
Maddocks
Lindsay Taylor Lawyers
Prevention Partners NSW
Local Government Legal
DLA Piper

Category 3: Commercial/Property Law

Wilshire Webb Staunton Beattie
Marsdens
Sparke Helmore
Maddocks
HWL Ebsworth
Stacks the Law Firm, Tweed Heads
Local Government Legal

2. Does not enact the option to appoint for a further two years, the panel of Solicitors listed as follows:

Category 4: District and Local Court

Marsdens
Stacks the Law Firm, Tweed Heads
DLA Piper

3. Seeks an Expression of Interest from legal providers for appointment to a new panel for Category 4 – District and Local Court matters to expire on 31 March 2018.

The Motion was Carried

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

27 [CS-CM] RFO2016006 Provision of Employee Assistance Program (EAP) Services

138

**Cr W Polglase
Cr B Longland**

RESOLVED that:

1. Council declines to accept any of the submitted Offers for RFO2016006 Provision of Employee Assistance Program (EAP) Services due to non-conformance of the Request for Offer requirements and the absence in the breadth of service provision.
2. Council enters into direct negotiations, in accordance with Local Government (General) Regulation 2005 Clause 178(3)(e) and (4) and the Independent Commission against Corruption (ICAC) Guidelines, with Artius Health Pty Ltd which can provide the breadth of services required within budgetary requirements.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The Motion was Carried

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

28 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 29 February 2016

This item was dealt with in conjunction with Addendum Item a28 (Minute No 138 refers).

a28 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 29 February 2016

LATE ITEM

139

**Cr W Polglase
Cr B Longland**

RESOLVED that Item a28 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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt***

140

**Cr W Polglase
Cr B Longland**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 29 February 2016 totalling \$244,836,571 be received and noted.

The Motion was **Carried**

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

ORDERS OF THE DAY

29 [NOM] Planning Controls for Happy Neighbour Home Designs

141

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council holds a comprehensive consultation on the communities preferred requirements for acceptable levels of impacts on neighbours properties from the building of new dwellings or extensions, and brings back a report to Council with recommendations to incorporate these provisions into Council's planning controls.

Consultation should include, but not be limited to:

1. Views.
2. Buffering between houses.
3. Sun Sharing provisions, eg for indoor and outdoor areas, including gardens and solar electricity generation.

Aspects outside the control of Council should be collated to inform a position that can be presented to the State Government.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

ABSENT. DID NOT VOTE - Cr P Youngblutt

30 [NOM] Equality of Housing Opportunity

142

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council writes to the Local State Members to raise concerns about potential discrimination of the disadvantaged in our Shire when seeking to rent from real estate agents and the potential for the State Government to undertake audits of real estate agents in this regard and develop a fairer system such as waiting lists.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase, Cr C Byrne

ABSENT. DID NOT VOTE - Cr P Youngblutt

31 [NOM] Western Drainage Scheme

143

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council

1. Notes the difficulty in managing the water body within the Western Drainage Scheme particularly in regards to managing the various weed species.
2. Officers review the existing management plans for the Western Drainage Scheme and provide a brief report back to Council for consideration.

The Motion was **Carried**

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

32 [NOM] Naming Trees in Parks

144

**Cr K Milne
Cr C Byrne**

RESOLVED that Council brings back a report on the potential of displaying the names of local native trees in two of Council parks to encourage greater knowledge and appreciation of Tweed's local flora.

The Motion was **Carried**

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

33 [NOM] Banning the Provision of Alcohol for Councillors and Staff

145

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council no longer provides alcohol on the Council premises to Councillors, staff and media during or after Council meetings and workshops with the exception of special events such as the Christmas Party.

Cr G Bagnall temporarily left the meeting at 08:03 PM.

Cr G Bagnall has returned from temporary absence at 08:04 PM

The Motion was **Lost**

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

34 [NOM] Wildlife Corridors at Cobaki

Cr K Milne wishes to declare a non significant, non pecuniary Interest in Item 34. The nature of the interest is that Cr Milne is involved in legal proceedings with LEDA Holdings Chairman.

Cr Milne remained in the Chamber during discussion and voting on this item.

146

**Cr G Bagnall
Cr K Milne**

RESOLVED that, in light of Council's support for the new culvert sizes through the east west wildlife corridor of the Cobaki estate, Leda Holdings be approached to consider a larger culvert width for Cobaki Parkway, in order to provide for a greater passage for wildlife at this significant habitat interface.

The Motion was **Carried**

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

35 [NOM] Library Services

147

**Cr C Byrne
Cr W Polglase**

RESOLVED that Council calls for an urgent Workshop to consider Tweed Shire Council's options as part of the Richmond Tweed Regional Library group and any alternatives available in order to provide sustainable library services to our residents, ratepayers and visitors.

The Motion was **Carried**

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

36 [NOM] Story Tiled Walls at our Libraries

148

**Cr C Byrne
Cr W Polglase**

RESOLVED that Council brings back a brief report to a future meeting with respect to the possibility of providing story walls though the sale of personalised tiles (or similar) at our newly refurbished libraries at Murwillumbah and Tweed Heads.

AMENDMENT

149

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be the subject of a scheduled Council Workshop.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 147 refers)

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

37 [NOM] Future of Black Rocks Sports Field

This item was dealt with earlier in the meeting at Minute No 113.

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

PROCEDURAL MOTIONS

150

Cr G Bagnall
Cr K Milne

RESOLVED that Items 38 to 41, be considered in block.

The Motion was **Carried**

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

151

Cr G Bagnall
Cr K Milne

RESOLVED that Items 38 to 41, be moved in block.

The Motion was **Carried**

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

38 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 February 2016

152

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 February 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A3. Wooyung Development

That the Aboriginal Advisory Committee requests Council to write to State Government and stress its concern that the current 10/50 Vegetation Clearing Code of Practice of NSW only covers the registered AHIMS sites which may not include sites identified in NSW Local Government Aboriginal Cultural Heritage Mapping.

A1. Robert Appo (Tweed Shire Council)

(b) 2016 Local Government Aboriginal Network Conference - Potential Projects

1. *That the Aboriginal Interpretative signage in Budd Park, Murwillumbah be repositioned to make it more visible in relation to the story.*
2. *That prior to the Local Government Aboriginal Network Conference, Aboriginal interpretative signage be installed at the following locations:*
 1. *The base of Joongurrabah (Razorback) replicating the Aboriginal interpretative signage at the top of the site; and*
 2. *Crams Farm, Doon Doon.*

(c) Opportunities for Aboriginal designs and artworks within Southern Cross University (SCU) building and Aboriginal acknowledgement at SCU building and Murwillumbah Civic Centre

That the wording to be used in Aboriginal acknowledgement signage at the new Tweed Council Administration building at Brett Street, Tweed Heads and the Murwillumbah Civic Centre is Council's Aboriginal acknowledgement in Goori and English.

(d) Road Renaming - Altitude Aspire development

That the Aboriginal Advisory Committee recommends that 'Darro Road' be proposed for the road renaming at the Altitude Aspire development.

- A3. Dulguigan Quarry, Dulguigan - Phil Habgood (Converge) and Denise Galle (Tweed Shire Council)

That the Aboriginal Advisory Committee requests a TBLALC site officer be engaged by Converge to assist with the assessment of larger trees in accordance with the recommendation in Converge's Report 4.1 for Dulguigan Quarry, Dulguigan.

- A4 Tim Robins (Everick)
(a) Wooyung Development

That in light of the site constraints of the Wooyung development site at Lot 1 DP 408972 Wooyung Road, Wooyung, the Aboriginal Advisory Committee has no objection to the location of the proposed house site.

The Motion was **Carried**

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

- 39 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 8 February 2016

153

Cr G Bagnall
Cr K Milne

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 8 February 2016 be received and noted.

The Motion was **Carried**

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

40 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 10 February 2016

154

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 10 February 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A2. Coastal Management Program (CMP) for the Tweed Estuary

That Council commences a scoping study for the preparation of the Tweed River Estuary Coastal Management Program.

The Executive Management Team notes Council was successful in its grant request to the State Government, with the announcement on Wednesday 2 March 2016 of 50% funding, being \$97,500 towards the development of the Plan.

The Motion was **Carried**

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

41 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 11 February 2016

155

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 11 February 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1. Hogans Road and Cranneys Road, Upper Duroby

That linemarking be installed at the intersection of Hogans Road and Cranneys Road, Upper Duroby to indicate that Hogans Road has priority.

A2. Frances Street, Tweed Heads - St Joseph's Primary School

That the existing "No Parking 2:30pm to 4pm" sign on Frances Street between Enid Street and Beryl Street, Tweed Heads be modified to "No Parking 8am to 9:30am and 2:30pm to 4pm School Days".

The Motion was **Carried**

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

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

156

Cr G Bagnall
Cr K Milne

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

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

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Proposed Extension of Contract EC2012-291 - Transport and Disposal of Waste

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 2

That Council:

1. Endorses the extension of Contract EC2012-291 for the transport and disposal of construction and demolition and/or mixed putrescible waste for a further 12 months on the terms and conditions of the current arrangement.
2. Delegates the General Manager to sign off on the extension of the arrangements for Contract EC2012-291.
3. Prepares Request for Offer documents to go out to the market to replace the contract at the end of that extension and that a further report be prepared for Council on those offers for their consideration.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C2 [E-CM] Disposal of Council Land - Lot 5 DP 1178620, Kyogle Road, Terragon

REASON FOR CONFIDENTIALITY:

This report discusses commercial negotiations which should remain confidential between the parties.

Local Government Act

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

- (a) personnel matters concerning particular individuals (other than councillors).

C 3

That :

1. Council approves entering into negotiations with the owner of Lot 5 DP 630689 for the acquisition of an area of approximately 1180m² for road widening in exchange for the registration of a right of carriageway benefitting that parcel and burdening Council owned parcel Lot 5 DP 1178620. All reasonable legal and registration costs to effect this agreement to be borne by Council.
2. Council resolves to not dispose of Lot 5 DP 1178620.
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

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

157

Cr C Byrne
Cr K Milne

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

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

There being no further business the Meeting terminated at 8.42pm.



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

Chairman

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