



TWEED SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

Tuesday 18 August 2009

Mayor: Cr J van Lieshout

**Councillors: Cr B Longland, Deputy Mayor
Cr D Holdom
Cr K Milne
Cr W Polglase
Cr K Skinner
Cr P Youngblutt**

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 4.30pm.

IN ATTENDANCE

Cr Joan van Lieshout (Mayor), Cr Barry Longland (Deputy Mayor), Cr Dot Holdom, Cr Katie Milne, Cr Warren Polglase, Cr Kevin Skinner, Cr Phil Youngblutt.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Andrew Unwin.

"Eternal God, you are the one who governs all things in heaven and on earth. Hear us as we come before you to pray for our country and all those who live here.

As your word encourages us, we pray for those who You have given authority to. We pray this meeting here this afternoon, that you will guide the direction of our community through the decision of this Council. We pray that the councillors through their words and actions will serve the community in a way that is unbiased and pleases You. Strengthen them in their resolve to care for every member of our community regardless of who they are.

Remove every hindrance to the advancement of our peoples that in love we might go forward together. We pray that you will give us tolerance and acceptance of each other and that peace will spread through our valley.

We ask this to the glory of Your name through Jesus, Your Son.

Amen."

CONFIRMATION OF MINUTES

1 Minutes of the Ordinary and Confidential Council Meeting held on Tuesday 21 July 2009

166

Cr K Skinner
Cr B Longland

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 21 July 2009 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURES OF INTEREST

Cr D Holdom wishes to declare an interest in Item 4 of the Agenda in accordance with the Code of Conduct, Section 7.16(a).

This declaration is due to Cr Holdom's spouse holding the position of Vice President at the Cudgen Headland Surf Life Saving Club.

Cr B Longland wishes to declare an interest in Item 11 in accordance with the Code of Conduct, Section 7.16(b).

This declaration is due to political support as the proponent has addressed Community Access and was involved in Cr Longland's political campaign.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 Schedule of Outstanding Resolution as at 18 August 2009

167

Cr J van Lieshout
Cr W Polglase

RESOLVED that the Schedule of Outstanding Resolution as at 18 August 2009 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

MAYORAL MINUTE

3 [MM] Mayoral Minute for the period 14 July 2009 – 10 August 2009

168

Cr J van Lieshout

RESOLVED that:-

1. The Mayoral Minute for the period 14 July 2009 – 10 August 2009 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised as follows:

Cr Milne and Cr Longland nominated Cr Milne to attend the River Symposium Conference on 21-25 September 2009

Cr Holdom and Cr Youngblutt nominated Cr Holdom to attend the Aboriginal Conference on 7 - 8 October 2009.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr K Milne, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Skinner

a3 [MM] Tweed Food Bowls Vision

LATE ITEM

169

Cr J van Lieshout
Cr W Polglase

RESOLVED that Item a3 being an Addendum Mayoral Minute be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

170

Cr J van Lieshout

RESOLVED that:-

1. Council Officers investigate and prepare a feasibility report on the potential for Northern Rivers region to increase its food growing capacity together with studies on food related industry initiative and more sustainable "Paddock to Plate" and "co-operative marketing" opportunities.
2. Council takes an active involvement in the \$1.9 million Northern Rivers Food Links Project and that a suitable workshop presentation on the "Draft Food Link Project Business Plan" be arranged.

171

AMENDMENT

Cr K Milne

Cr D Holdom

PROPOSED that Council defers the item to hold a Workshop.

The Amendment was **Lost**

FOR VOTE - Cr K Milne

AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

The Motion was **Carried** (Minute No 170 refers).

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr D Holdom, Cr K Milne

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER**REPORTS FROM THE GENERAL MANAGER**

- 4 **[GM-CM] Proposal to host 2011 and 2012 NSW Surf Life Saving Championships at Kingscliff**

DECLARATION OF INTEREST

Cr D Holdom declared an Interest in this item, left the Chamber at 5.02pm and took no part in the discussion or voting. The nature of the interest is that Cr D Holdom's spouse is Vice President of the Cudgen Headland Surf Life Saving Club.

172

**Cr W Polglase
Cr K Skinner**

RESOLVED that:

1. The Festival and Events Officer prepares a proposal for Council to host the Surf Life Saving NSW Championship 2011 and 2012 in conjunction with the Cudgen Headland Surf Life Saving Club.
2. Council endorses the allocation of \$80,000 in the 2010/2011 Budget as required to meet the conditions of the expression of interest.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr D Holdom

RETURN TO MEETING

Cr D Holdom has returned from temporary absence at 5.05pm.

- 5 **[GM-CM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June 2009**

173

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council endorses:

1. The Tweed Economic Development Corporation Quarterly Report for the quarter April to June 2009.
2. ATTACHMENTS 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) 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

6 [GM-CM] Tweed Economic Development and Tweed Tourism Funding Agreements

174

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Offers to extend the existing funding and performance contract with Tweed Tourism for an additional term of 12 months, from 1 July 2010 to 30 June 2011, with the existing terms and conditions and the relevant document to be executed under the Common Seal of Council.
2. Offers to extend the existing funding and performance contract with Tweed Economic Development Corporation for an additional term of 12 months, from 1 July 2010 to 30 June 2011, with the existing terms and conditions and the relevant document to be executed under the Common Seal of Council.
3. Engages a suitably qualified consultant to assist and facilitate a review of the vision, goals and objectives for Tourism and Economic Development in the Tweed Shire and to provide advice on options for alternative delivery models.
4. Uses its best endeavours to finalise the review with a target date no later than April 2010.
5. ATTACHMENTS 1 and 2 as CONFIDENTIAL in accordance with Section 10A(2)(d) 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 - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Skinner, Cr K Milne

7 [GM-CM] Tweed Tourism Quarterly Performance Report – April to June 2009

175

**Cr B Longland
Cr K Skinner**

RESOLVED that Council endorses:

1. The Tweed Tourism Quarterly Report for the quarter April to June 2009.
2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) 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

8 [GM-CM] First Round Applications for Financial Assistance 2009/2010 - Festivals Policy

176

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Allocates the First Round Donations for 2009/2010 under the Festivals Policy, as follows:-

<u>Applicant</u>	<u>Amount Approved</u>
The Unity Festival Inc	\$1 000
Caldera Regional Arts Incorporated	\$1 000

Tweed Valley Banana Festival	\$7 500
Island Style Promotions/Gold Coast Malibu Club	\$3 000
Friends of the Tweed River Art Gallery Inc and Tyalgum Festival Committee Inc.	\$6 000
The Combined Orchid Societies	\$1 000
TOTAL	\$19 500

2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-

The Motion was **Carried**

FOR VOTE - Unanimous

9 [GM-CM] First Round Applications for Financial Assistance 2009/2010 - Donations Policy

177

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council:

1. Allocates the First Round Donations for 2009/2010 under the Donations Policy as follows:-

<u>Applicant</u>	<u>Amount Approved</u>
Tweed Shire Women's Service Inc	\$990
Kingscliff Beach Babes Community Playgroup	\$500
Tweed Valley Community Church	\$500
Tweed Gold Coast Family History & Heritage Association	\$200
Cabarita Beach Dune Care	\$1 000
Friends of the Pound Tweed Inc.	\$1 000
WollumbinBUG	\$500
Chillingham Community Association Inc.	\$550
Rosellas Community Preschool Inc	\$1 000
Friends of Wollumbin Landcare (auspice organisation - Tweed Landcare Inc.)	\$1 000
Uki Public Hall & Recreation Reserve Trust	\$550
Possums Community Preschool	\$1 000
TOTAL:	\$8 790

2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-

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

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

- 10 [PR-CM] Development Application DA08/1216 for a Dwelling & Demolition of Existing Dwelling at Lot 2 DP 501165 No. 10a Boomerang Street, Kingscliff**

178

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:-

1. Development Application DA08/1216 for a dwelling and demolition of existing dwelling at Lot 2 DP 501165, No 10a Boomerang Street, Kingscliff be deferred to allow for further consultation with the applicants and Council Officers including the Director of Planning, on the bulk and scale of the proposed new building.
2. A further report be presented to the next Council meeting as a result of this consultation.

The Motion was **Carried**

FOR VOTE - Unanimous

- 11 [PR-CM] Development Application DA09/0139 for Construction of a Carport for Four (4) Cars at Existing Retirement Village at Lot 214, 215, 216 DP 251004, No. 1-5 Tupia Avenue, Tweed Heads**

DECLARATION OF INTEREST

Cr B Longland declared an Interest in this item, left the Chamber at 05:14 PM and took no part in the discussion or voting. The nature of the interest is that Cr B Longland advised that a Community Access speaker on this item was involved in his political campaign.

179

**Cr W Polglase
Cr D Holdom**

RESOLVED that with regard to Development Application DA09/0139 for construction of a carport for four (4) cars at an existing retirement village at Lot 214, 215, 216 DP 251004, Nos. 1-5 Tupia Avenue, Tweed Heads Council requests amended plans demonstrating compliance with all matters raised within this report.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr B Longland**

RETURN TO MEETING

Cr B Longland has returned from temporary absence at 05:20 PM

12 [PR-CM] Development Application DA08/0755 for a 24 Lot Subdivision (18 lots into 24) at Lots 1-18 Section 4 DP 14895, Casuarina Way, Kingscliff

180

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council defends the Class 1 Appeal (as necessary) for Development Application DA08/0755 for a 24 lot subdivision (18 lots into 24) at Lots 1-18 Section 4 DP 14895 Casuarina Way, Kingscliff.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] Development Application 1039/2001DA.02 for an Amendment to Development Consent 1039/2001DA for Commercial Boating Operations (Southern Boat Harbour) at Tweed River, Tweed Heads

181

**Cr W Polglase
Cr J van Lieshout**

RESOLVED that with regard to Development Application 1039/2001DA.02 for an amendment to Development Consent 1039/2001DA for commercial boating operations (Southern Boat Harbour) at Tweed River, Tweed Heads that this item be deferred to allow for further consideration of conditions.

FOR VOTE - Unanimous

182

Cr D Holdom
Cr P Youngblutt

RESOLVED that with regard to Development Application 1039/2001DA.02 for an amendment to Development Consent 1039/2001DA for commercial boating operations (Southern Boat Harbour) at Tweed River, Tweed Heads Council approves the proposal subject to a trial period (12 months) and appropriate conditions of consent are provided to the applicant from the Director Planning and Regulation.

Conditions of Consent

1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:
 - 1A. The development shall be completed in general accordance with the Statement of Environmental Effects and Local Environmental Plan extract map 1, undated, Site Plan undated and the Statement of Environmental Effects and the site plan prepared by Tweed Endeavour Cruises and dated 20 May 2009 (as amended in red), except where varied by the conditions of this consent.
2. Add a new heading under existing Condition No. 2 which reads as follows:

GENERAL for shooting activity
3. Add the following new conditions under the new heading "GENERAL for shooting activity" which read as follows:
 - 2.1 Prior to the commencement of the activity, the applicant shall liaise with the Civil Aviation Safety Authority (CASA). The applicant shall provide formal documentation to Council demonstrating approval has been obtained from CASA.
 - 2.2 The infra-red target shooting activity shall be limited to the three sites as indicated on the site plan, being a site opposite Dry Dock Road on western side of Pacific Highway and two sites opposite Sunset Boulevard near Davey's Island. The applicant shall anchor west of Blue Waters Crescent when the Dry Dock Road site is used.
 - 2.3 Feeding of wildlife is not to be undertaken from the boat at any time.
 - 2.4 Only sequentially numbered discs are to be used as targets and all targets retrieved on each occasion. A stock-take shall be undertaken by the boat operator to ensure that all numbered discs are retrieved.

If any targets are missing a thorough search of the site and surrounds must be undertaken to retrieve any missing discs. Any instances where a disc has not been retrieved shall be recorded. A monthly report must be submitted to the Director Planning and Regulation or delegate, detailing all tours conducted and compliance with this condition.

- 2.5 The boat motor, generator and stereo must to be turned off when target shooting occurs.
 - 2.6 Targets are to be shot only upstream from the anchoring site adjacent the Pacific Highway bridge (Dry Dock Road site) and anchoring must be west of Blue Waters Crescent as a minimum.
 - 2.7 Targets must be launched over open water to a maximum distance of 20m and must not be directed toward the shoreline at any time. Targets must not be launched until a person responsible for target collection is in place and ready to retrieve the target.
 - 2.8 No access to adjacent islands forming part of the Tweed Estuary Nature Reserve is authorised by this consent. No access is permitted without a licence from Department of Environment and Climate Change.
4. Add a new heading under existing Condition No. 19 which reads as follows:

USE for shooting activity
 5. Add the following new conditions under the new heading "USE for shooting activity" which read as follows:
 - 19.1 Targets shall be fluorescent coloured and shall float.
 - 19.2 The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
 - 19.3 Hours of operation of the shooting activity are restricted to the following hours: -

2 hours following sunrise until 2 hours prior to sunset, being full daylight hours only.
 - 19.4 Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer

- 19.5 Patrons shall be transported to the site via courtesy buses and the like where possible.
- 19.6 The sale or consumption of alcohol is not permitted whilst firearms are on board the vessel. Clear signage shall be displayed also advising of this.
- 19.7 Firearms shall not be stored on the vessel outside of the authorised hours of operation.
- 19.8 Signage visible from a distance of at least 100m shall be displayed on a minimum of both sides of the vessel whilst the activity takes place. The signage shall include the word 'infra-red' (at least 300mm in height) and to indicate the type of activity taking place. The signage shall include a telephone number to allow members of the public a contact opportunity prior to contacting emergency services or other government organisations. The telephone number shall be that for the Captain of the vessel or to a person in charge of the activity on board the vessel.
- 19.9 Prior to the initial commencement of the activity, the applicant shall arrange a notice within the Tweed Link and other media deemed appropriate by the General Manager or delegate to advise residence of the nature of the activity. The information shall include the nominated site areas of the activity and contact number/s of the organisation. The applicant shall provide documentary evidence to the General Manager demonstrating this has occurred.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

14 [PR-CM] World Rally Championships

183

Cr P Youngblutt
Cr K Skinner

PROPOSED that the report on the World Rally Championships be received and noted.

AMENDMENT

184

Cr J van Lieshout

Cr K Skinner**RESOLVED** that:-

1. The report of the World Rally Championships be received and noted.
2. At this late stage that Council takes a cohesive stand in support of the upcoming Repco Rally event in order to show respect to the many officials and volunteers in both the State and Local Community who have been involved in the extensive process which has shown a high degree of professionalism in various areas of staging the event.

Council reserves the right to a full review following the event where it would be most appropriate and more beneficial to address the many concerns and desires of the community in respect of the future of the Rally.

The Amendment was **Carried****FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout**
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K MilneThe Amendment on becoming the Motion was **Carried** - (Minute No 184 refers)**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout**
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne**15 [PR-CM] State Significant Site Application - West Kingscliff (Gales Holdings Land)****185****Cr W Polglase**
Cr K Skinner

RESOLVED that Council formally advises the Department of Planning that the Gales Holdings State Significant Site Application (Reference No. S07/01166) is withdrawn and no further action is required from the Department of Planning.

The Motion was **Carried****FOR VOTE - Unanimous****16 [PR-CM] Update on Compliance Issues - Lot 11 DP 835413, No. 2 Boulder Close, Byangum****186****Cr D Holdom**
Cr K Skinner

PROPOSED that in respect of the existing agricultural operations at Lot 11 DP 835413 No. 2 Boulder Close, Byangum:

1. Council receives and notes this report;
2. Council endorses a proposal to seek written agreement from the owners of Lots 11 (No 2) and 4 Boulder Close, for the owners of Lot 4 Boulder Close to repair the existing electric fence adjacent to the common boundary with Lot 11 (thereby restricting the movement of their horses), and that a planting regime be undertaken by the owners along the entire length of their site's eastern boundary to provide a reasonable degree of screening of existing hot house and temporary structures, subject to prior consultation with Council's ecologist, and completion to the satisfaction of the Director Planning and Regulation.
3. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2)(a) or Section 10A(2)(g) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors) and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

187

AMENDMENT

**Cr P Youngblutt
Cr B Longland**

RESOLVED that:-

1. Any further expense in planting trees to reduce the glare be shared and not the sole responsibility of the owners of the property No 2 Boulder Close.
2. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2)(a) or Section 10A(2)(g) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors) and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

The Amendment was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne, Cr D Holdom

The Amendment on becoming the Motion was **Carried** - (Minute No 187 refers)

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr D Holdom, Cr K Milne

17 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

188

**Cr W Polglase
Cr K Skinner**

RESOLVED that Council notes the July 2009 Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS:

189

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Standing Orders be suspended to deal with Items 44 and 45 Orders of the Day.

The Motion was **Carried**

FOR VOTE - Unanimous

44 [NOR] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley

190

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the Planning Committee recommendation at Minute Number P99, subsequently adopted at the Ordinary Council Meeting at Minute Number 135, in relation to Item P2 - [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley, as follows:

"... that Development Application DA08/1170 for a two (2) lot subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley be refused for the following reasons:-

1. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated compliance with the development standard as being unreasonable or unnecessary in accordance with State Environmental Planning Policy No. 1 – Development Standards
2. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with State Environmental Planning Policy (Rural Lands) 2008 as the proposal will result in:
 - development being incompatible with surrounding agricultural uses,
 - potential to create land use conflicts
 - the proposed subdivision not supporting or enhancing the agricultural production of the site
3. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with the 1(a) zone objectives within Clause 11 of the Tweed Local Environmental Plan 2000, as the proposed development does not:
 - protect the rural character and amenity;
 - prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.
4. Pursuant to Section 79C(1)(a)(i) the development proposal in seeking a subdivision for a residential purpose is not consistent with Clause 20(2)(a) of the Tweed Local Environmental Plan 2000, as the proposed Lots are below the minimum requirement of 40 hectares.
5. Pursuant to Section 79C(1)(c) the development site is not considered suitable for the development as proposed.
6. Pursuant to Section 79C(1)(e) the proposed development will result in prohibited development with dwelling houses located on undersized allotments that do not enjoy dwelling entitlements.
7. Pursuant to Section 79C(1)(e) the proposed development, is not within the public interest as the development would create two undersized lots in the 1(a) Rural zone."

be rescinded.

The Rescission Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne

45 [NOM] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley

191

Cr W Polglase
Cr P Youngblutt

RESOLVED that with regard to DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley, Council officers bring forward conditions for approval for consideration by Council.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne

192 RESUMPTION OF STANDING ORDERS

Cr D Holdom
Cr P Youngblutt

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

18 [CNR-CM] Caring for our Country Grant for project "Supporting Sustainable Agriculture in the Tweed"

193

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council accepts the grant of \$99,280 from Australian Government Caring for our Country initiative for "Supporting Sustainable Agriculture in the Tweed" project and votes the expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Koala Planning & Recovery**194****Cr D Holdom****Cr K Milne****RESOLVED that:-**

1. The following interim actions be undertaken until a comprehensive Koala Plan of Management is able to be funded and prepared:
 - a) Articles will be placed in the Tweed Link and other media to alert residents to the issues faced by koalas on the Tweed and ways they can assist to improve their future.
 - b) Council's Biodiversity Program Leader will continue to work with community interests to seek funding for the preparation and implementation of a KPOM.
 - c) Council's Natural Resource Management Section will continue to work with landholders and community groups to address koala recovery and welfare.
 - d) Council's Environmental Education Officer will highlight the issues faced by koalas when addressing student and other community groups.
 - e) In response to enquiries from interested landholders, Council's Natural Resource Management Unit will inspect their properties to determine the presence of koala habitat or corridors and provide advice on strategies to preserve and enhance these areas including funding support where appropriate.
 - f) Council officers continue preparation of a draft Biodiversity Development Control Plan, which will address the specific development control issues related to koalas and their habitat.
 - g) Council officers review the Tree Preservation Orders to better protect existing koala and other significant habitat and hold a Council workshop to discuss the relevant issues.
 - h) Council officers continue improving wildlife signage throughout the Shire.
 - i) Council officers prepare a scoping report for Council's consideration on the additional ameliorative measures and associated implementation costs at the Clothiers Creek Road black spot.

2. Council considers a budget allocation of \$80,000 be made in the 2010/11 budget to prepare a KPOM should Council's application for external funding to support the project be unsuccessful.
3. Subject to the recommendations of the Koala Plan of Management (referred to in 1 above) and a report by Council officers on its implementation, Council considers an appropriate budget allocation in the 2011/12 Council budget to implement the Koala Plan of Management.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

20 [CNR-CM] EC2009-055 Provision of In House Consultancy Services for Water and Sewerage Projects

195

**Cr W Polglase
Cr D Holdom**

RESOLVED that:

1. Council accepts the tender from MWH Pty Ltd for EC2009-055 for the provision of in house consultancy work for a two year period at the schedule of fees nominated in the tender with an option to extend the contract for a further two year period.
2. The General Manager be given delegated authority to engage MWH Pty Ltd to undertake individual projects up to the value of \$150,000 (inclusive of GST).
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr K Milne, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Skinner**21 [CNR-CM] Quarterly Variation Report for Contract EC2006-157 - Construction of Bray Park Water Treatment Plant: April to June 2009****196****Cr W Polglase
Cr D Holdom**

RESOLVED that the total value of variations to date of \$3,117,536.62 inclusive of GST, for Contract EC2006-157 Construction of the Bray Park Water Treatment Plant, be received and noted: -

1. Variation No.37 – Change from standard R C Pipe to Plastic Lined R C Pipe to extend pipe life. (\$63,608.18 GST Incl.)
2. Variation No.38 - Additional Door Furniture to southern side of Chemical Facility missed in spec. (\$10,862.23 GST Incl.)
3. Variation No.39 – 14 off Alternative Flow and Pressure Switches to replace older models. (\$9,237.45 GST Incl.)
4. Variation No.40 - Four (4) raised valve pits for improved stormwater flows. (\$14,891.28 GST Incl.)
5. Variation No.41 – Increase in footing Edge Beam at Sludge Facility to allow for site cross fall. (\$29,520.96 GST Incl.)
6. Variation No.42 – Landscaping of Noise Mitigation Earth Mound required after complaints from neighbours re site noise. (\$53,554.09 GST Incl.)
7. Variation No.43 – Landscaping of WTP Site. Extent of grassed areas around significantly reduced and replaced with landscaping. Reduces maintenance. (\$43,462.77 GST Incl.)
8. Variation No.44 – Revegetation of Area below retaining wall adjacent to Detention Basin. No requirement in spec. Area landscaped to match other landscaped areas. (\$30,983.30 GST Incl.)
9. Variation No.49 – Schedule of Rates Item 3.30 Claim for May-09 (Noise Mound-3536.2 m3). (\$36,758.80 GST Incl.)
10. Variation No.50 – Relocation of Neutralisation pipeline to avoid clash with flocculation overflow pipe. (\$7,899.58 GST Incl.)
11. Variation No.51 – Deletion of AC road pavement in lieu of concrete pavement. Reduces maintenance. (\$65,547.77 GST Incl.)
12. Variation No.52 – Penstocks to Permeate Channel in lieu of Stop Valves. (\$12,677.28 GST Incl.)
13. Variation No.53 - Additional safety equipment at Chlorination Room following DoP comment on chlorine gas installation. (\$5,659.50 GST Incl.)
14. Variation No.54 – Additional retaining wall to manage storm water in heavy rain. (\$24,169.75 GST Incl.)

15. Variation No.55 – Additional water main and hydrants to improve fire-fighting performance and BCA compliance. (\$11,723.25 GST Incl.)
16. Variation No.56 – Raising of finished levels and Manhole adjustment adjacent to CO2 Tank to match ground levels. (\$9,779.31 GST Incl.)
17. Variation No.57 – Manual operation of butterfly valves added to ensure operability in event of total compressed air service failure. (\$11,228.35 GST Incl.)
18. Variation No.58 – Extended concrete wall in Chemical Facility to provide installation space for dosing pumps. (\$5,470.85 GST Incl.)
19. Variation No.59 – Proprietary supports for box gutters deleted and replaced with safe load rated supports for OHS reasons. (\$10,645.25 GST Incl.)
20. Variation No.60 – Hot and cold water to the Laboratory to accommodate under sink unit. (\$1,913.45 GST Incl.)
21. Variation No.61 – Tinting of windows to Laboratory to reduce heat and glare. (\$1,253.18 GST Incl.)
22. Variation No.62 – Retaining wall provided to Centrate Pump Station to improve maintenance access. (\$3,326.98 GST Incl.)
23. Variation No.63 – Adjustment to manhole No.5058 to avoid conflict with floor slab. (\$2,156 GST Incl.)
24. Variation No.64 – Conduit for air line (post strainer dosing pit to centrifuge feed pump station) in lieu of direct buried line. Improves maintenance access. (\$3,638.25 GST Incl.)
25. Variation No.65 – Butterfly valves required make up flanges to ensure correct fit wit Raw Water Main flanges. (\$26,930.53 GST Incl.)
26. Variation No.66 – Reseal failed road pavement in Durroon Avenue leading to site WTP entrance. (\$23,058.20 GST Incl.)
27. Variation No.67 – Additional safety showers to Chemical Facility to comply with TSC OHS requirements. (\$13,466.24 GST Incl.)
28. Variation No.68 – Switchboard Modifications to improve operational efficiency and performance. (\$12,489.90 GST Incl.)
29. Variation No.69 – Rise and Fall up to and including 30 April 2009. (\$2,677,989.78 GST Incl.)
30. Variation No.70 – Schedule of Rates Item 3.31- June-09: Removal of Material off Site (2,479.75m3). (\$48,335.29 GST Incl.)

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] Funding Variation to Original Report to Council – Proposed Increase in ComPacks Budget

197

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Accepts the variation of funds from NSW Department of Health to an annual total of \$918,583 and provides a minimum of 612 ComPacks packages of care up until 30 June 2010.
2. Signs the ComPacks Funding Agreement variation document for 2009/2010 and returns same with an accompanying letter confirming acceptance of the grant.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [CNR-CM] Licence Agreement for Access and Car Parking - 21 and 23 Beryl Street, Tweed Heads

198

**Cr W Polglase
Cr D Holdom**

RESOLVED that:-

1. Council approves entering into a licence agreement with the owner of Lot 3 Section 5 DP 4043 whereby access to Lot 3 from Beryl Street, Tweed Heads is over Lot 2 Section 5 DP 4043 owned by Council and part of Lot 3 is used for public car parking;
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

a23 [EO-CM] Road Closure Application - Parish of Cudgen

199

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council objects to the closure of the section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [EO-CM] Classification of Land as Operational, Pottsville

200

Cr D Holdom
Cr B Longland

RESOLVED that:-

1. Council approves the transfer of proposed Lots 380 and 382 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville as Drainage Reserve; and
2. Council approves the transfer of proposed Lot 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville as Sewage Pump Station; and
3. Proposed Lots 380, 382 and 405 be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993; and
4. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [EO-CM] Application to Close and Purchase Part of Road Reserve - Oakbank Terrace and Riverbend Way, Murwillumbah

201

**Cr K Skinner
Cr D Holdom**

RESOLVED that:-

1. Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [EO-CM] Regional Roads - Review of Classification

202

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council receives and notes the Regional Roads - Review of Classification report.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [EO-CM] Amendment of Council's Fees and Charges - Quarry Products

203

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:-

1. The proposed changes to Council's adopted Fees and Charges be placed on public exhibition for 28 days.
2. A further report be provided to Council recommending adoption of revised charges after consideration of any comments from the public.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [EO-CM] Surf Life Saving Far North Coast Branch Patrolling Season Summary

204

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that the Surf Life Saving Far North Coast Branch Patrolling Season Summary report be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [EO-CM] Park Naming - Dalnair Park

205

**Cr P Youngblutt
Cr J van Lieshout**

RESOLVED that Council names the park located at 5 Oakland Parade, Banora Point 'Dalnair Park' and erects signage.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [EO-CM] Infrastructure Program 2009/2010

206

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council approves the Infrastructure Program for 2009/2010 as detailed in the report.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

31 [EO-CM] Adoption of Amended Section 94 Plan No 23 - Offsite Parking (Version 2)

207

Cr W Polglase

Cr B Longland

RESOLVED that Council

1. Approves Draft Section 94 Plan No 23 – Offsite Parking (Version 2) as further amended to reduce administration costs, to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;
2. Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 2 of the Plan (CP 23) comes into effect on the date of the notice.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [EO-CM] Pacific Highway and Adjacent Arterial Roads Master Plan between Stewart Road and Barneys Point

208

Cr W Polglase

Cr P Youngblutt

RESOLVED that:-

1. Tender EC2008-103 - Cross Border Traffic Master Plan - Stewart Road to Barneys Point Bridge be awarded to Bitzios Consulting Pty Ltd for the upper limit fee of \$88,740.00 (excluding GST).
2. The General Manager be given delegated authority to authorise variations up to a total upper limit fee of \$150,000.00.
3. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains

commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

a33 Conduct Review Panel Status Report

LATE ITEM

209

Cr D Holdom
Cr K Skinner

RESOLVED that Item a33 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

210

Cr D Holdom
Cr K Skinner

RESOLVED that the status report on the Conduct Review Panel be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [TCS-CM] Conduct Review Committee

211

**Cr W Polglase
Cr K Skinner**

RESOLVED that Council:-

1. Receives and notes the Interim Report of the Conduct Review Committee.
2. Council officers organises extensive workshops to further Councillors understanding of the Code of Conduct, the Media Policy, the Conduct Review Committee/Sole Reviewer Policy and the Code of Meeting Practice, as soon as possible.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [TCS-CM] Tweed River Art Gallery and Tweed River Regional Museum Advisory Committee Constitutions

212

**Cr K Milne
Cr D Holdom**

RESOLVED that Council adopts:

1. Tweed River Art Gallery Advisory Committee Constitution; and
2. Tweed River Regional Museum Advisory Committee Constitution,
with the removal of reference to Section 355 of the Local Government Act.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [TCS-CM] Review of Council's Delegations

213

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Confirms the delegations to the General Manager other than the functions of Council in accordance with Section 377 of the Local Government Act 1993.

2. Confirms the delegation previously provided on 28 November 2006 to Ballina Shire Council, in accordance with Section 377 of the Local Government, 1993, for the purpose of undertaking administration of the North East Weight of Loads Group (NEWLOG).

The Motion was **Carried**

FOR VOTE - Unanimous

36 [TCS-CM] In Kind and Real Donations - April to June 2009

214

**Cr D Holdom
Cr B Longland**

RESOLVED that Council notes total donations of \$64,279.38 for the period April to June 2009.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [TCS-CM] 2007/2008 Comparative Information on NSW Councils

215

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council receives and notes the Department of Local Government's Comparative Information results for 2007/2008.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [TCS-CM] Quarterly Budget Review - 30 June 2009

216

Cr D Holdom
Cr B Longland

RESOLVED that Council:-

1. Adopts the Quarterly Budget Review Statement as at 30 June 2009.
2. Votes and adjusts the expenditure and income, as summarised below and detailed within the report, in accordance with the revised total expenditure and income for the year ending 30 June 2009.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	875,546	0
Interest	0	0
Capital	845,000	0
Loan Repayments	0	0
Transfers to Reserves	2,076,273	0
	3,796,819	0
<u>Income</u>		
Operating	0	2,801,819
Capital Grants & Conts	0	65,000
Loan Funds	0	150,000
Recoupments	0	0
Transfers from Reserves	0	780,000
Asset Sales	0	0
	0	3,796,819
Net Surplus/(Deficit)		0

Description	Change to Vote	
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	10,925	0
Interest	0	0
Capital	0	3,437,000
Loan Repayments	0	0
Transfers to Reserves	3,125,287	0
	3,136,212	3,437,000
<u>Income</u>		
Operating	0	83,712
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	60,800
Transfers from Reserves	445,300	0
	445,300	144,512
Net Surplus/(Deficit)		0

Sewer Fund		
<u>Expenses</u>		
Operating	343,388	0
Interest	0	0
Capital	0	2,815,500
Loan Repayments	0	0
Transfers to Reserves	120,612	0
	<u>464,000</u>	<u>2,815,500</u>
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	1,081,000	0
Transfers from Reserves	1,270,500	0
Asset Sales	0	0
	<u>2,351,500</u>	<u>0</u>
Net Surplus/(Deficit)		<u>0</u>

The Motion was **Carried**

FOR VOTE - Unanimous

39 [TCS-CM] Monthly Investment Report for Period Ending 31 July 2009

This item was dealt with in conjunction with Addendum Item a39 (Minute No 217 refers).

ADDENDUM REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

a39 [TCS-CM] Monthly Investment Report for Period Ending 31 July 2009

217

**Cr D Holdom
Cr W Polglase**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 July 2009 totalling \$120,401,103.23 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

b39 [TCS-CM] Corporate Quarterly Report - April to June 2009 Incorporating the 7 Year Infrastructure & Services Plan

218

**Cr J van Lieshout
Cr B Longland**

RESOLVED that Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 April to 30 June 2009.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

40 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2009

219

**Cr W Polglase
Cr K Skinner**

RESOLVED that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2009 be received and noted; and
2. Director's recommendations be adopted as follows

GB 4 Rob Slockee

That Council contacts the Department of Primary Industries and advises them of the concerns in relation to changes to the Spanner Crab Endorsement and the impact on the local Aboriginal endorsement holders and request the Department meet to consider maintaining existing arrangements.

GB 7 Cultural Heritage Assessment for the entire Tweed Shire

That Council sets aside funds in a future budget to undertake a Cultural Heritage Study of the entire Shire.

The Motion was **Carried**

FOR VOTE - Unanimous

41 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 June 2009

220

**Cr W Polglase
Cr K Skinner**

RESOLVED that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 June be received and noted; and
2. Director's recommendations be adopted as follows:-

BA 3 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

That Council notes the Aboriginal Advisory Committee advice that the Githabul Native Title Claim has no impact over the Jack Evans Boat Harbour Project "Goorimabah".

GB 3 Rob Slockee – Fishing Licence issues

That Council contact Director General Richard Sheldrake NSW Department Primary Industries in support of Mr Rob Slockee's request seeking an amendment to the proposed Spanner Crab licence changes.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [SUB-FMC] Minutes of the Floodplain Management Committee (Joint Sub-Committee) Meeting held Monday 13 July 2009

221

**Cr W Polglase
Cr K Skinner**

RESOLVED that the:-

1. Minutes of the Floodplain Management Committee Meeting held Monday 13 July 2009 be received and noted; and

2. Director's recommendations be adopted as follows

2. **BMT WBM Presentation**

That the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 July 2009

222

**Cr W Polglase
Cr K Skinner**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 30 July 2009 be received and noted; and
2. Director's recommendations be adopted as follows:-

- A.1 [LTC] Healy Lane, Fingal Head

That this matter be listed for consideration at the next Local Traffic Committee meeting.

- A.2 [LTC] Traffic Safety Concerns - Uki Village (Mitchell Street)

That 'No Parking' signs be erected on Mitchell Street opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.

- A.3 [LTC-LATE] St Joseph's School, South Murwillumbah

That the following installations be approved for the duration of construction at the St Joseph's Primary School in South Murwillumbah:-

1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.

2. A 'Bus Zone Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

B.1 [LTC] Speed on Tweed Road Closures 4 to 6 September 2009

That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The temporary road closures are subject to Police approval and standard conditions.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

- 44 [NOR] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley**

This item was dealt with earlier in the Meeting at Minute No 190.

- 45 [NOM] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley**

This item was dealt with earlier in the Meeting at Minute No 191.

QUESTION TIME**[QT] Bus Stop Number 65 Marine Parade, Kingscliff****Cr D Holdom**

Asked can the Public Transport Committee please review the location of bus stop number 65 Marine Parade, Kingscliff, with the view to relocating it to the park alongside of the Police Station residence on Marine Parade.

The General Manager responded that this matter would be referred to the Public Transport Committee.

COMMITTEE OF THE WHOLE**223****Cr P Youngblutt****Cr W Polglase**

RESOLVED that Council resolves itself into a Confidential Committee of the Whole 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

The General Manager reported that the Confidential Committee of the Whole 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:-

1 [EO-CM] Supply of Fill from Quarries**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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 45

That Council set prices for supply of bulk fill in accordance as per Item 1 within the conclusions of this report.

The Motion was **Carried**

FOR VOTE - Unanimous

224

**Cr K Skinner
Cr B Longland**

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

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.35pm.



**Minutes of Meeting Confirmed by Council
at Meeting held**

Chairman