



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

Councillors: B Longland (Deputy Mayor)
D Holdom
K Milne
W Polglase
J van Lieshout
P Youngblutt

Minutes

Ordinary Council Meeting Tuesday 18 January 2011

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

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 3.30pm.

IN ATTENDANCE

Cr K Skinner (Mayor), Cr B Longland (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase, Cr J van Lieshout and Cr P Youngblutt.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology and Corporate Services), Mr Ian Kite (Acting Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr Anthony Burnham (Acting Director Community and Natural Resources), Mrs Meredith Smith (Corporate Governance Officer) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Colin Tett, Anglican Rector of Murwillumbah:

Most gracious God, we pray for the Tweed Shire Council, its members, officers and staff, and particularly for this meeting today.

Direct their work and influence their decisions and actions for the safety and welfare of this community.

We pray for the gifts of wisdom and insight, and that where opinions differ, respect might be accorded to the integrity and good faith of those with whom we disagree.

May peace and happiness, truth and justice, generosity and thanksgiving be the marks of this Council, and of our wider community.

We join with all people of goodwill, and ask this today through Jesus Christ, Amen.

We bless you, God of the universe, for this land, for its contrasts of landscape and climate, for its abundance of wealth and opportunity.

We bless you for our history, with all its struggles in adversity, its courage and hope.

Give us in our diversity tolerance and respect for each other and a passionate commitment to justice for all.

Bless us so that we might be a blessing to others, especially when so many suffer great loss.

Amen.

CONFIRMATION OF MINUTES

1 Minutes of the Ordinary and Confidential Meeting of Council held Tuesday 14 December 2010

1

Cr D Holdom
Cr W Polglase

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 14 December 2010 be adopted as a true and accurate record of proceedings of that meeting including:

1. Amendments to condition 2 of Item 3 [MM] Mayoral Minute for the period 5 November to 1 December 2010 as below:

"2. *The attendance of Councillors at nominated Conferences be authorised as follows:*

- *Cr Skinner was nominated to attend the Coastal Council Conference **28-30 March 2011***
- *Cr van Lieshout was nominated to attend the Tourism Conference **9-11 March 2011.***

and

2. That Cr D Holdom declared a perceived non-pecuniary interest in Item 60 [QON-Cr K Milne] Retrospective Development Approvals in accordance with the Code of Conduct and left the Chamber and took no part in the discussion and voting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr D Holdom wishes to declare a perceived non-pecuniary interest in Item 8 [CNR-CM] Waiving of Disposal Fees - Cudgen Headland Surf Life Saving Club, in accordance with the Code of Conduct. The nature of the interest is that Cr Holdom's husband is a member of this Club.

Cr D Holdom wishes to declare a pecuniary interest in Item 26 [NOM-Cr Milne] Fast Food Capital under Sections 443, 451 and 458 of the Local Government Act. The nature of the interest is that Cr D Holdom has an involvement in the food industry.

Cr K Milne wishes to declare a perceived non-pecuniary interest in Items 28, 29, 30 and 31 in accordance with the Code of Conduct and tabled the following statement:

"I would like to make a statement to clarify my participation in relation to items 28, 29, 30 and 31 in tonight's business papers.

I have considered the relevant provisions of Council's Code of Conduct and I believe there are no impediments to me participating in debate and voting on these matters despite a defamation claim served against me on 20 December 2010, by Mr William Robert (Bob) Ell, the owner of Kings Forest and Cobaki developments.

I am of the view that these circumstances do not create a private interest for me in these items, either directly or by association.

As many will be aware, I have had an ongoing involvement in the larger policy issues of greenfield developments well before 20 December 2010, and I will continue to participate in discussion and voting on such matters from a public interest perspective, and - where an item involves consideration of a development application - on the merits of each application".

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolutions report was received and noted.

MAYORAL MINUTE

3 [MM] Mayoral Minute for the Period 2 December to 4 January 2011

2

Cr K Skinner

RESOLVED that:

1. The Mayoral Minute for the period 2 December 2010 to 4 January 2011 be received and noted.
2. Attendance of Councillors at nominated Conferences be authorised.
2. The attendance of Councillors at nominated Conferences be authorised as follows:
 - **Cr W Polglase, Cr K Skinner** and **Cr P Youngblutt** were nominated to attend the "A" Division Conference, Shires Association of NSW in Kyogle on 9 February 2011
 - **Cr J van Lieshout** was nominated to attend the Floodplain Management Authorities (FMA) Annual Conference in Tamworth on 22-25 February 2011
 - **Cr K Skinner** was nominated to attend the Shires Association of NSW Special One Association Conference in Sydney on 23 February 2011.
 - **Cr K Milne** was nominated to attend the Planning Institute of Australia (PIA) 2011 National Congress to be held in Hobart on 6-9 March 2011.
 - **Cr J van Lieshout** was nominated to attend the Future Housing for Older Australian Symposium to be held in Sydney on 25 February 2011.
3. Councillors consider motions for the 'A' Division Conference:

The Motion was **Carried**

FOR VOTE - Unanimous

3

Cr K Skinner

Cr J van Lieshout

RESOLVED that Council adopts the proposed motions for the "A" Division Conference to be held in Kyogle on 9 February 2011 as follows:

1. Koala and Biodiversity Protection

Tweed Shire Council moves,
That:

The LGSA makes representations to the Premier, the Minister for the Environment and the Minister for Planning, to take urgent and effective action to ensure the protection and preservation of the Koala as a national icon along the NSW Coast, and to provide greater emphasis on reversing the rapid decline of biodiversity.

2. Native Vegetation Act

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister for increased enforcement of the Native Vegetation Act especially in relation to the coastal areas where smaller amounts of clearing ie less than 1 hectare can have significant effects but are generally not prosecuted or fined.

3. BASIX

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to review and update the BASIX legislation to:

1. Provide for greater water conservation and energy efficiency outcomes and
2. To provide flexibility to Councils to allow BASIX to be used as a minimum standard rather than the maximum standard.

4. Speed Restrictions in NSW Waters

Tweed Shire Council moves,
That,

The LGSA makes representations to the Minister for consideration of providing maximum speed restrictions for recreational activities in NSW waters.

5. Developer contributions for Aboriginal Culture Heritage

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to include the ability for Councils to establish developer contribution plans for Aboriginal Cultural Heritage.

6. Developer contributions for Environmental Maintenance

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to include the ability for Councils to establish developer contribution plans for ongoing maintenance of lands dedicated by developers for Environmental Protection.

7. Marine Waste

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to provide regular funding for the removal of fishing line and rubbish in the marine environment eg from a percentage of the NSW Fishing Licence scheme.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [MM-CM] Resealing of Piggabeen Road and the Reconstruction of Kennedy Drive

4

**Cr K Skinner
Cr W Polglase**

RESOLVED that this matter be held over for further discussion by Council at the budget meeting in February.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

5

**Cr K Skinner
Cr J van Lieshout**

RESOLVED that Items a4 and b4 being an Addendum Mayoral Minute items be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

a4 [MM] Addendum Mayoral Minute - PIA 2011 National Congress

This matter was dealt with as part of Item 3 [MM] Mayoral Minute for the Period 2 December to 4 January 2011. Minute No **3** refers.

b4 [MM] Addendum Mayoral Minute - Future Housing for Older Australians Symposium

This matter was dealt with as part of Item 3 [MM] Mayoral Minute for the Period 2 December to 4 January 2011. Minute No 3 refers.

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

6

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council notes the December 2010 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

6 [CNR-CM] Request for "In Kind" Support/Waive Fee

7

**Cr B Longland
Cr D Holdom**

RESOLVED that Council:-

1. With reference to the request from Model United Nations Assembly, Rotary International District 9640, provides the Tweed Heads Civic Centre for a reduced fee of \$196.50 being 50% of the full fee of \$281 and 50% of the full set-up fee of \$112 on 18 and 19 March 2011 for the MUNA 2011, and that

Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

2. With reference to the request from United Hospital Auxiliaries of NSW Inc, provides the Tweed Heads Civic Centre:
 - (a) South Sea Islander Room (including kitchen) free of charge for the 2011 meetings (12) to be held on 3 January, 7 February, 7 March, 4 April, 2 May, 6 June, 4 July, 1 August, 5 September, 3 October, 7 November and 5 December 2011;
 - (b) Auditorium for a reduced fee of \$113.50 being 50% of the full fee of \$227 for the fashion parade to be held on 30 May 2011;
 - (c) Auditorium and South Sea Islander Room for a reduced rate of \$299 being 50% of the full fee of \$598 for the Annual Hospital Fete on 8 October 2011;
 - (d) Decline the request for a reduction of fees for the set up of the Annual Hospital Fete on 6 and 7 October 2011;

and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

3. With reference to the request from Scripture Union Kingscliff Beach Mission, provides the Kingscliff Amenities Hall free of charge for the free school holiday program from 27 December 2010 to 1 January 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
4. With reference to the request from The Tweed Hospital, North Coast Area Health Service, provides the Tweed Heads Civic Centre free of charge for the Tweed Hospital Remembrance Service on 17 November 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

The Motion was **Carried**

FOR VOTE - Unanimous

7 [CNR-CM] International Women's Day - Acceptance of Grant

8

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that Council:

1. Accepts the International Women's Day Grant of \$1,000 from The Office of Women's Policy, Premier and Cabinet for the International Women's Day event on 8 March 2011.
2. Completes the relevant documentation and votes the expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [CNR-CM] Waiving of Disposal Fees - Cudgen Headland Surf Life Saving Club

DECLARATION OF INTEREST

Cr D Holdom declared an Interest in this item, left the Chamber at 4.03PM and took no part in the discussion or voting. The nature of the interest is that Cr D Holdom's husband is involved with Cudgen Headland Surf Life Saving Club.

9

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council approves the request from the Cudgen Headland Surf Life Saving Club to waive disposal fees during the NSW State Surf Lifesaving Championships subject to the carnival being a waste wise event.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr D Holdom***

Cr D Holdom returned from temporary absence at 04.06 PM

9 [CNR-CM] 2009-2010 Annual Report North East Waste Forum

10

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the 2009/2010 North East Waste Forum Report be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [CNR-CM] Contract EC2009-115 Tyalgum Water Treatment Plant Upgrade

11

**Cr D Holdom
Cr B Longland**

RESOLVED that:

1. Council declines to accept any of the Tenders received for EC2009-115 Tyalgum Water Treatment Plant Upgrade as no tender represents value for money.
2. Council enters into direct negotiations, in accordance with the Independent Commission Against Corruption (ICAC) Guidelines, with any person for the internal construction component of the work to ensure project timeframes are met and to provide best value for money.
3. **ATTACHMENT A** 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 - Unanimous

LATE ITEM

12

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Item a10 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

a10 [CNR-CM] Request for "In Kind" Support/Waive Fee - Cooly Rocks On

13

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council, with reference to the request from "Cooly Rocks On", provides the Tweed Heads Civic Centre free of charge for the fundraising concert for Queensland flood victims on 29 January 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

11 [EO-CM] Floodplain Management Authorities Conference 2013

14

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council makes application to host the Floodplain Management Authorities Conference in 2013 and, if successful, provide an initial allocation of \$100,000 in the 2011/2012 budget with further provision for income and expenditure in the 2012/2013 budget.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [EO-CM] Naming of a Council Public Road - Banora Point

15

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Publicises its intention to name the road which runs from Lochlomond Drive to Terranora Road at Banora Point as "O'Sullivan Drive" allowing one month for submissions or objections to the proposal;
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [EO-CM] Road Naming - Piggabeen Bypass, Tweed Heads West

16

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Publicises its intention to name the newly formed Piggabeen bypass road at Tweed Heads West as "Tulgi Way" allowing one month for submissions or objections to the proposal;
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

14 [TCS-CM] Update to Recommendations from the Second Report of the Tweed Shire Council Public Inquiry 2005

17

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council receives and notes the update to the recommendations from the Second Report of the Tweed Shire Council Public Inquiry 2005.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [TCS-CM] Procurement Policy Version 1.3

18

**Cr J van Lieshout
Cr D Holdom**

RESOLVED that Council, in accordance with Section 160 of the Local Government Act 1993, places the draft Procurement Policy (Version 1.3) on public exhibition for 28 days specifying a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the Council.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [TCS-CM] Monthly Investment Report for Period Ending 31 December 2010

This item was dealt with in conjunction with the Addendum Report a16 at Minute Number 20.

LATE ITEM

19

**Cr W Polglase
Cr D Holdom**

RESOLVED that Item a16 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

a16 [TCS-CM] Monthly Investment Report for Period Ending 31 December 2010

20

**Cr W Polglase
Cr D Holdom**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 December 2010 totalling \$173,152,669 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

17 [SUB-TRRM] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 18 November 2010

21

**Cr D Holdom
Cr B Longland**

RESOLVED that the:-

1. Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 18 November 2010 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

GB1. Meeting/Workshop regarding Museum project building costs

"That the Executive Management Team notes the Advisory Committees views."

GB2. Masonic Hall

"That Tweed Shire Council notes the advisory committee's position in relation to the Cultural Development Officer."

The Motion was **Carried**

FOR VOTE - Unanimous

18 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 December 2010

22

Cr D Holdom

Cr J van Lieshout

RESOLVED that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 December 2010 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

4. Entry Signage to Shire

"That this item be deferred pending Tweed Byron Local Aboriginal Land Council approval and a review of design options by Council's sign writer."

6. Update on Piggabeen Road Midden Material Reinterment

"That the newly-constructed Piggabeen Bypass be called "Tulgi Way" in recognition of the traditional people and the cultural significance of the area."

The Motion was **Carried**

FOR VOTE - Unanimous

19 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2010

23

Cr D Holdom
Cr K Milne

RESOLVED that the:-

1. Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2010 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

A4. Kirkwood Road Project Update

"1. That Council ensures the selection/acceptance process of tenderer for construction of the Kirkwood Road Project has heavy emphasis placed on environmental management at the construction phase and that there be a clear understanding of the compensatory measures to be integrated into the project.

2. That Council forward the options for the compensatory habitats/measures for the Kirkwood Road Upgrade Project to the Tweed River Committee for input/review during the exhibition period."

3. Regulation of Vehicle Activity on Sandbank adjacent to Letitia Spit

"That Council write to NSW Land and Property Management Authority requesting assistance with restriction of 4WD vehicles on the sandbank adjacent to Kerosene Inlet on Letitia Spit."

The Motion was **Carried**

FOR VOTE - Unanimous

20 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 December 2010

24

Cr B Longland
Cr K Milne

RESOLVED that the:-

1. Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 December 2010 be received and noted; and

2. Executive Management Team's recommendations be adopted as follows

BA1. Local Native Species in Landscaping

"That Council reviews the various existing policies on vegetation selection for developments and Council projects in order to place greater emphasis on use of appropriate local native plant species."

The Motion was **Carried**

FOR VOTE - Unanimous

21 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 December 2010

25

**Cr B Longland
Cr D Holdom**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 16 December 2010 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

A1 [LTC] Eyles Avenue, Murwillumbah

"That the existing bus zone signage located in Eyles Avenue outside the Murwillumbah Primary School be amended to state "Bus Zone 8.00am - 9.30am School Days".

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

- 22 [NOR-Crs K Skinner, W Polgalse and P Youngblutt] - [PR-CM] Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code

NOTICE OF RESCISSION:

26

Cr K Skinner
Cr P Youngblutt

PROPOSED that the resolution for Item 11 [PR-CM] Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code at Minute Number 823 being that:

- "1. Council receives and notes the amendments to the publicly exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, arising from the review of public consultation submissions.
2. Council adopts the exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, as amended, and provided as an attachment to this report, and resolves to give public notice of the Plan's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
3. Section 4.1.3.6 paragraph 6 (Page 87) be replaced with the following:
 - "Where Council will consider a residential flat building on or behind the beach dune area or that is otherwise visually prominent to or from the beach, estuary or headland, it shall be a maximum of 8m (2 storeys) in presentation to the beach, estuary, headland or in combination, whichever applies.

The remainder of the site can be a maximum of 10m (3 storeys) with the third level to be a maximum footprint of 50% of the internal spaces below".
 - Figure 4.8 (Page 86) be deleted from the Plan.
 - Figure 5.2 (Page 161) of the Plan be amended so that the far right mid layer white box is dropped to be in line with the white box immediately adjacent to it.
 - The wording of control 3. of Part 4.2.3.6 – Subdivision Control 3 (page 105) be amended to read as follows:
 - "3. A new public park located outside of the required vegetated riparian buffer is to be considered."

4. Council forwards a copy of the adopted Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, to the Director-General of the NSW Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000."

be rescinded.

The Motion was **Lost**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner

AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout

URGENCY MOTION

27

Cr D Holdom

Cr B Longland

RESOLVED that Council agrees to consider the Urgency Motion under Section 1.3.1 - Giving Notice of Business, of the Council's Code of Meeting Practice, to deal with anomalies that occurred during the meeting of 14 December 2010.

The Motion was **Carried**

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

28

Cr D Holdom

Cr B Longland

RESOLVED that:

1. Council receives and notes the amendments to the publicly exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, arising from the review of public consultation submissions.
2. Council adopts the exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, as amended, and provided as an attachment to the report to Council's Meeting of 14 December, 2010 (Item 11), and resolves to give public notice of the Plan's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000, subject to the following further amendments also being adopted:
 - (a) Section 4.1.3.6 paragraph 6 (Page 87) be replaced with the following:

"Where Council will consider a residential flat building on or behind the beach dune area or that is otherwise visually prominent to or from the beach, estuary or headland, it shall be a maximum of 8m (2 storeys) in

presentation to the beach, estuary, headland or in combination, whichever applies.

The remainder of the site can be a maximum of 10m (3 storeys) with the third level to be a maximum footprint of 50% of the internal spaces below";

- (b) Figure 4.8 (Page 86) be deleted from the Plan;
- (c) Figure 5.2 (Page 161) of the Plan be amended so that the far right mid layer white box is dropped to be in line with the white box immediately adjacent to it; and
- (d) The wording of control 3. of Part 4.2.3.6 – Subdivision Control 3 (page 105) be amended to read as follows:

“3. A new public park located outside of the required vegetated riparian buffer is to be considered.”

- 3. Endorsement be given to repeal the Hastings Point Interim Development Controls within the Tweed Development Control Plan Section A1 – Residential and Tourist Development Code and commencement of Tweed Development Control Plan Section – B23 Hastings Point Locality Based Development Code and a related notice be placed in the Tweed Link notifying of the repeal.
- 4. Council forwards a copy of the adopted Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, to the Director-General of the NSW Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

The Motion was **Carried**

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

23 [NOM-Cr K Skinner] Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code

This item was withdrawn at the meeting.

24 [NOM-Cr D Holdom] En Globo Procedures for Monthly Council Meetings

NOTICE OF MOTION:

29

**Cr D Holdom
Cr B Longland**

RESOLVED that:

1. The General Manager investigates and reports back to Council on *En Globo* procedures being adopted by Council within the context of monthly Council Meetings; and
2. A workshop be arranged for Councillors on *En Globo* procedures.

The Motion was **Carried**

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

25 [NOM-Cr J van Lieshout] Aboriginal Advisory Committee

NOTICE OF MOTION:

30

**Cr J van Lieshout
Cr P Youngblutt**

PROPOSED that the General Manager arranges a comprehensive workshop with the Councillors and relevant staff to discuss the future role of the Committee in representing a fair and true perspective in its relevance in advice to Council on Aboriginal matters.

Cr W Polglase left the meeting at 04:50 PM

Cr W Polglase has returned from temporary absence at 04:52 PM

Cr P Youngblutt left the meeting at 05:00 PM

Cr P Youngblutt has returned from temporary absence at 05:01 PM

The Motion was **Lost**

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

31

Cr P Youngblutt
Cr K Skinner

RESOLVED that Council nominates Councillor K Skinner to be the alternate representative to the Aboriginal Advisory Committee following the resignation of Cr J van Lieshout as the alternate representative.

The Motion was **Carried**

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

32

Cr B Longland
Cr K Milne

PROPOSED that Council nominates Councillor K Milne to be the alternate representative to the Aboriginal Advisory Committee following the resignation of Cr J van Lieshout as the alternate representative.

The Motion was **Lost**

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

a25 **[NOM-Cr J van Lieshout] Delegation Authority for Approval of Tender Variations**

33

Cr J van Lieshout
Cr K Milne

RESOLVED that the following be included in all future recommendations for tender contracts:

"The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works."

The Motion was **Carried**

FOR VOTE - Unanimous

26 [NOM-Cr Milne] Fast Food Capital

DECLARATION OF INTEREST

Cr D Holdom declared a pecuniary Interest in this item, left the Chamber at 05.14PM and took no part in the discussion or voting. The nature of the interest is that Cr D Holdom has an involvement in the food industry.

NOTICE OF MOTION:

34

**Cr K Milne
Cr K Skinner**

RESOLVED that Council holds a Workshop on fast food outlets.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr D Holdom**

Cr D Holdom has returned from temporary absence at 05:28 PM

27 [NOM-Cr Milne] Ethical Investments for Council Funds

NOTICE OF MOTION:

35

**Cr K Milne
Cr D Holdom**

PROPOSED that Council brings forward a report on the opportunity of investing Council funds in Ethical Investments.

The Motion was **Lost**

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

28 [NOM-Cr Milne] Youth in New Developments

DECLARATION OF INTEREST

Cr K Milne declared a perceived non-pecuniary Interest in this item. The nature of the interest is advised through the statement tabled and recorded at the commencement of the meeting.

NOTICE OF MOTION:

36

**Cr K Milne
Cr B Longland**

PROPOSED that Council seeks advice from appropriate youth organisations on options for planning in new greenfield areas to reduce crime and enhance youth experience.

The Motion was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

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

29 [NOM-Cr Milne] Green Spaces for Small Lots

DECLARATION OF INTEREST

Cr K Milne declared a perceived non-pecuniary Interest in this item. The nature of the interest is advised through the statement tabled and recorded at the commencement of the meeting.

NOTICE OF MOTION:

37

**Cr K Milne
Cr D Holdom**

RESOLVED that Council brings forward a report on the implications on developing a policy that small lot housing should only be approved only where they back onto green spaces.

The Motion was **Carried**

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr J van Lieshout

30 [NOM-Cr Milne] Permeable Pavements

DECLARATION OF INTEREST

Cr K Milne declared a perceived non-pecuniary Interest in this item. The nature of the interest is advised through the statement tabled and recorded at the commencement of the meeting.

NOTICE OF MOTION:

38

Cr K Milne
Cr K Skinner

PROPOSED that Council brings forward a report on implementing permeable pavements into all new developments, unless there are overriding circumstance that would make this impractical in certain circumstances.

The Motion was **Lost**

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

31 [NOM-Cr Milne] New South Wales Weirs Policy

This item lapsed as there was no seconder to the Motion.

QUESTION TIME

Nil.

CONFIDENTIAL COMMITTEE

39

Cr D Holdom
Cr P Youngblutt

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

The Motion was **Carried**

FOR VOTE - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO-CM] Land Acquisition for Road and Compensation Purposes - Nobbys Creek Road, Nobbys Creek

REASON FOR CONFIDENTIALITY:

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

That:

1. Council approves the acquisition of Land from Lots 6 and 7 in DP 1089442 for road purposes and further approves the proposed compensation as noted in the body of the report under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993;
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY IN COMMITTEE

2 [NOR-Crs P Youngblutt, J van Lieshout and K Milne] [PR-CM] Equestrian Pad Compliance Matter Lot 7 DP 826941 No 308 Tomewin Road, Dungay

REASON FOR CONFIDENTIALITY:

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

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

NOTICE OF RESCISSION:

C 3

That the confidential resolution on Item 1 at Minute No C63 of the Meeting held 14 December 2010 being:

"... that Council advises in writing the owners of No's. 308 and 420 Tomewin Road, Dungay that Council has received legal advice regarding the equestrian pad and that no further action will be undertaken by Council."

be rescinded.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase, Cr D Holdom

3 [NOM-Cr Milne] Equestrian Pad at Dungay

REASON FOR CONFIDENTIALITY:

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

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

NOTICE OF MOTION:

C 4

That Council holds or schedules a workshop to include attendance of the Canegrowers Association, the adjacent landholders and the owners of the subject property with each to be provided with separate opportunity for presentation to Council.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase, Cr D Holdom

40

Cr D Holdom
Cr P Youngblutt

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.13pm



Minutes of Meeting Confirmed by Council
at Meeting held

Chairman