



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Minutes

Ordinary Council Meeting Thursday 24 January 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 6.00pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 6.08pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr David Keenan (General Manager), Mr Troy Green (Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public 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, Father David Gilbey, Parish Priest, Sacred Heart Catholic Parish, Murwillumbah.

"Let us pray,

Lord our God,

Look with love on the people who form the Community of the Tweed Shire and keep them always safe as we enter a New Year in our service with this Community.

Bless and guide the members of this representative Council in their quest to bring peace, hope and prosperity to all in their care.

Guide their minds and hearts, so that the work they address may be for the betterment of the community that they serve.

Bring success to their plans and deliberations and reward them for the good they accomplish.

Lord, teach all of us gathered here, to be generous in our outlook, courageous in the face of every difficulty and always wise in all our decisions.

We ask this through Christ our Lord,

Amen."

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of the Minutes of the Ordinary and Council Meetings held Thursday 13 December 2012

1

Cr M Armstrong
Cr C Byrne

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Thursday 13 December 2012 be adopted as a true and accurate record of proceedings of that meeting with the following amendments:

1. Cr K Milne advised that her voting at Minute 747 Item 16 [PR-CM] PP10/0007 - Mooball Residential Development and Minute 749 Item 17 [PR-CM] PP12/0002 - Mooball Residential Development at Lot 2 DP 828280 No. 5993 Tweed Valley Way, Mooball be amended to show her voting against these two motions.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr K Milne declared a significant non-pecuniary interest in Item 18 [CNR-CM] Indigenous Public Art Program Return of grant Funds for "Goorimahbah - Place of Stories". The nature of the interest is that Cr Milne has a friendship with the artist involved.

Cr K Milne declared a significant non-pecuniary interest in Item 29 [EO-CM] Amendment to Section 94 Plan No 23 - Offsite Parking. The nature of the interest is that Cr Milne has a family association that may be affected by this report.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute - Period from 28 November to 4 January 2013

2

Cr B Longland

RESOLVED that:-

1. The Mayoral Minute for the period from 28 November 2012 to 4 January 2013 be received and noted with the following amendments:

Inability to Attend by or on behalf of the Mayor

- 4 Dec 2012 - Tweed Education and Industry Forum Meeting - Kingscliff TAFE - (attended by Cr Byrne).
 - 8 Dec 2012 - Relay for Life Official Opening - location advised (attended by Cr Armstrong)
2. The attendance of Councillors at the following nominated Conferences be authorised:
 - Cr C Byrne to attend the 2013 Australian Women in Local Government Conference - The Mantra, Ettalong Beach, Hosted by Gosford Council to be held on 14-16 March 2013.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

3

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council notes the December 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

5 **[PR-CM] Composting Toilets**

4

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that the report on composting toilets be received and noted.

5

AMENDMENT 1

**Cr G Bagnall
Cr K Milne**

PROPOSED that Council develops a separate policy on composting toilets to promote this option to the community as a viable alternative, which will reduce water consumption. In addition, that no fees charged as a more proactive stance by the Council to promote water efficient waste management and that Council includes composting toilets in future demand management rebate schemes.

The Amendment 1 was **Lost**

***FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland***

6

AMENDMENT 2

**Cr K Milne
Cr G Bagnall**

PROPOSED that a report be brought back on whether the fees and charges can be waived for composting toilets.

The Amendment 2 was **Lost**

***FOR VOTE - Cr K Milne, Cr G Bagnall
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland***

7

AMENDMENT 3

Cr G Bagnall
Cr K Milne

PROPOSED that Council includes composting toilets in future water demand management rebate schemes.

The Amendment 3 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No 4 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

6 [CNR-CM] Drought Water Restrictions Policy

8

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Notes the relevant content of submissions received on the draft Drought Water Restrictions Policy and proposed drought water restrictions when they were exhibited from 5 November 2012 to 3 December 2012.
2. Notes the changes that have been made to the draft Drought Water Restrictions Policy and drought water restrictions in response to feedback received during the exhibition period.
3. Adopts the Drought Water Restrictions Policy, Version 2.0, which incorporates all of the corrections and changes arising from feedback received during the exhibition period.
4. Staff prepare a Communications Plan ready for implementation should drought water restrictions be introduced.

9

AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred to a Workshop to further discussion the 5/10/20 rule.

The Amendment was **Lost**

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

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

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

**7 [CNR-CM] EC2012-191 Clarrie Hall Dam Flood Safety Upgrade -
Construction Award of Preferred Tenderer**

10

**Cr M Armstrong
Cr C Byrne**

RESOLVED that:

1. Council accepts the tender submitted by Entracon Civil Pty Ltd, in the Recommended Tender Amount of \$5,400,400.51 (including GST), for Contract EC2012-191 Clarrie Hall Dam Flood Safety Upgrade.
2. 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.
3. Council informs unsuccessful applicants of these outcomes.
4. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (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 [CNR-CM] EC2012-238 Supply, Delivery and Installation of Inductively Coupled Plasma - Mass Spectrophotometer Instrument

11

Cr P Youngblutt

Cr K Milne

RESOLVED that:

1. Council accepts the tender from Perkin Elmer for EC2012-238 Supply, Delivery and Installation of an Inductively Coupled Plasma - Mass Spectrophotometer Instrument for the amount of \$218,680 incl GST.
2. Council accepts the variation from Perkin Elmer to upgrade the EIS – FAST SC4 auto sampler/auto diluter for the amount of \$15,000 incl GST.
3. ATTACHMENT A is 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

9 [CNR-CM] Draft Policy for Discharge of Liquid Trade Waste to the Sewerage System

12

Cr M Armstrong

Cr P Youngblutt

RESOLVED that Council:

1. Exhibits the draft policy for Discharge of Liquid Trade Waste to the Sewerage System and accepts public submissions for a period of four weeks from 28 January to 22 February 2013 as per Section 160 of the Local Government Act 1993.
2. Staff prepares a subsequent report to Council, summarising any submissions received and including a final draft of the policy for Discharge of Liquid Trade Waste to the Sewerage System for formal adoption by Council.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [CNR-CM] Tweed Coast Wastewater Strategy - Servicing Future Urban and Employment Lands

13

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council endorses the Tweed Coast Wastewater Strategy - Servicing Future Urban and Employment Lands as a feasible approach to the provision of wastewater services for developments identified in the Strategy.

14

AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council defers this item to bring forward a report on:

1. A comparative cost benefit analysis of a wide range of stand alone waste water systems to determine if there are better or more wholistic water management models such as a scaled down version of the Olympic Park model.
2. Legal advice on the structure and stability of the corporation involved and the viability of the system proposed as well as Councils legal and financial liability position if the corporation ceases to exist.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No **13** refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

11 [CNR-CM] EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System

15

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that Council:

- 1 Declines to accept any of the tenders received for EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System as value for money was not able to be determined.
- 2 Readvertises the tender for EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr K Milne

12 [CNR-CM] Coastal Zone Management Plan for the Tweed Coast Estuaries

16

Cr M Armstrong
Cr K Milne

RESOLVED that the Draft Coastal Zone Management Plan for the Tweed Coast Estuaries and Catchments be placed on public exhibition for a minimum of 28 days.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [CNR-CM] River Health Grants

17

Cr M Armstrong
Cr P Youngblutt

RESOLVED that Council approves the proposed River Health Grants included within this report.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Biodiversity Grant Program

18

Cr M Armstrong
Cr P Youngblutt

RESOLVED that Council approves the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the table contained within this report.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Biofund Koala Connections Project Implementation

19

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Council approves the proposed funding to assist private landowners to undertake the projects listed in the table contained within the report.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Tweed River Art Gallery - Proposed Gallery Cafe Pavilion Extension

20

**Cr W Polglase
Cr M Armstrong**

RESOLVED that Council:

1. Supports the proposal from the Tweed River Art Gallery Foundation Ltd for that organisation to fully fund the café pavilion extension as outlined in the report.
2. Acknowledges the gifts from the Foundation Directors, Mr Doug Anthony AC CH and Mr Ashby Utting, through a formal letter to the Foundation Board.
3. Proceeds with development assessment and concept designs for the proposed pavilion.

Cr G Bagnall left the meeting at 07:17 PM

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

Cr G Bagnall has returned from temporary absence at 07:18 PM

17 [CNR-CM] Lease to Mission Australia - Banora Point Community Centre

21

Cr K Milne
Cr P Youngblutt

RESOLVED that Council:

1. Approves entering into a Lease with Mission Australia for the Lomandra Room at the Banora Point Community Centre, for a term of 12 months at a lease fee of \$364.00 per fortnight inclusive of electricity, with an option for a further 12 months.
2. Utilises the funds to support the ongoing activities at the Banora Point Community Centre and that all funds not utilised be placed in a reserve for the specific future use.
3. Executes all documents under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Indigenous Public Art Program Return of Grant Funds for "Goorimahbah - Place of Stories"

Cr K Milne declared a significant non-pecuniary interest in this item, left the Chamber at 07.18 PM and took no part in the discussion or voting. The nature of the interest is that Cr Milne has a friendship with the artist involved.

22

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Notes that the agreement between Tweed Shire Council and Office for the Arts for the Indigenous Public Art Program "Goorimahbah - Place of Stories" has been cancelled and the requested grant funds of \$68,200 (GST inclusive) be returned.
2. Votes the expenditure and makes the appropriate budget allowance of \$68,200 (GST inclusive) for the return of these grant funds in the December quarterly budget review.
3. Retains general funding allocated to the Goorimahbah project to develop a new concept design for the site and support future grant applications.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr K Milne

Cr K Milne has returned from temporary absence at 07:19 PM

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

19 [EO-CM] Policy - Addressing - Rural and Urban

23

Cr C Byrne
Cr P Youngblutt

RESOLVED that Council approves the placing of the draft Policy - Addressing Rural and Urban on public exhibition for a period of 28 days and inviting submissions for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [EO-CM] Renaming of Section of Ozone Street, Chinderah

24

Cr M Armstrong
Cr K Milne

RESOLVED that Council:

1. Council publicises its intention to rename the section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive as Naru Street allowing one month for submissions from the public.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) 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

21 [EO-CM] Licence to Broadcast Australia - Razorback Road, Tweed Heads

25

Cr P Youngblutt
Cr M Armstrong

RESOLVED that Council:

1. Approves Option 1 - provides a corresponding tenure to that sought by BA under their valid exercising of the option contained in the original lease. The flexibility of two 5 year terms provides BA with security of tenure, but provides an avenue of review in 5 years time.
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [EO-CM] Proposed Easement for Multi-Purpose Electrical Installation over Council Land - Lot 2 DP1123498 - SALT Stage 6

26

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. Council approves the creation of proposed Easement for Multi-Purpose Electrical Installation over Lot 2 DP 1123498, Casuarina Way, Kingscliff for the benefit of Essential Energy;
2. Council accepts monetary compensation as determined by a local valuer; and
3. All documentation be executed under the Common Seal of Council.
4. ATTACHMENT A is 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

23 [EO-CM] Lease to NBN Co Limited - Part Lot 1 DP 1126739 - Pottsville Road, Pottsville

27

**Cr M Armstrong
Cr K Milne**

RESOLVED that:

1. Council approves entering into a lease with NBN Co Limited for an area of approximately 60 m² at the Pottsville Road Reservoirs at Cudgera Creek being part of Lot 1 in DP 1126739 for a term of 5 years with 3 options for five years commencing with a rental of \$10,000 per annum compounding annually by 2.5 % subject to development consent being issued for the proposed infrastructure and subject to the terms and conditions of the lease being finalised; and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [EO-CM] Markets - Jack Evans Boat Harbour

28

Cr P Youngblutt

Cr W Polglase

RESOLVED that:

1. Approval for Tweed Twilight Markets to operate a public market at Jack Evans Boat Harbour terminating on 30 June 2015 be granted.
2. An option to renew for a further three year period, subject to satisfactory performance be approved.
3. The number of food businesses (stalls or vans) which are permitted to sell 'conventional' food and drink be limited to four.
4. Relevant conditions are applied to those approvals as determined by the General Manager or his delegate.
5. ATTACHMENTS 1, 2 and 3 are 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.

29

AMENDMENT

Cr K Milne

Cr G Bagnall

PROPOSED that this item be deferred and a report be brought forward on Council's options if Council is not satisfied with the operation of the markets.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No **28** refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

25 [EO-CM] EC2012-249 Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool

30

Cr M Armstrong

Cr P Youngblutt

RESOLVED that:

1. Council declines to accept any of the Tenders received for EC2012-249 – Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool, as no tender received represents value for money.
2. Council reviews the project brief requirements and investigates potential funding via Government grants under the Community Energy Efficiency Program (CEEP).
3. ATTACHMENT 1 is 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

26 [EO-CM] EC2011-211B Design and Construction of Jim Devine Clubhouse (1st Floor)

31

Cr M Armstrong

Cr P Youngblutt

RESOLVED that

1. The tender from Haighs Constructions be accepted to the value of \$249,735.45 exclusive of GST, for tender EC2011-211B Design and Construction of Jim Devine Clubhouse (1st Floor)
2. The General Manager be given delegated authority to approve variations (up to a maximum of \$150,000) and those variations be reported to Council following completion of works.
3. ATTACHMENT 1 is 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

27 [EO-CM] Alcohol Prohibition - Hardy Park, Pottsville

32

**Cr G Bagnall
Cr C Byrne**

RESOLVED that Council declares Hardy Park, Pottsville an *alcohol prohibited area* all hours Australia Day and/or the associated public holiday and at all other times between the hours of 7pm and 7am in accordance with recommendations of the Tweed/Byron Local Area Commander. The area subject to the prohibition is from the Mooball Creek boat ramp to the park opposite Buckingham Drive.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [EO-CM] EC2012-250 for the Supply of One (1) 4WD Tractor and Dual Mower Combination

33

**Cr M Armstrong
Cr K Milne**

RESOLVED that, in relation to EC2012-250 for the Supply of One (1) 4WD Tractor and Dual Mower Combination:

1. The Tender from Noel Graham Farm Machinery - Option No7, for the Supply of One (1) Case 14 Maxxum 125 Tractor, Bomford EVO 5.5FWD Power Arm and Celli Gemini 220LH Front Mulcher, be accepted to the value of \$176,770_exclusive of GST.

2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
- (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 W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr C Byrne

29 [EO-CM] Amendment to Section 94 Plan No. 23 - Offsite Parking

Cr K Milne declared a significant non-pecuniary interest in this item, left the Chamber at 07.44 PM and took no part in the discussion or voting. The nature of the interest is that Cr Milne has a family association that may be affected by this report.

34

Cr B Longland
Cr M Armstrong

RESOLVED that

1. Council adopts Draft S94 Plan No 23 - Offsite parking Version 2.3 as a basis for exhibition and community discussion/consultation substituting the amount of \$2904 per unsupplied On-Site Car Parking space in accordance with the rate that is applicable to other parts of Fingal Head currently covered by Plan No 23.
2. Draft Plan Version 2.3 be exhibited as required by the Environmental Planning and Assessment Regulations.

The Motion was **Carried**

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

Cr K Milne has returned from temporary absence at 07:46 PM

30 [EO-CM] Sexton Hill Drive - Maintenance Handover

Cr P Youngblutt left the meeting at 07:46 PM

35

Cr W Polglase

Cr M Armstrong

RESOLVED that Council:-

1. Accepts in principle maintenance responsibility for Sexton Hill Drive.
2. Requests Roads & Maritime Services (RMS) to consider classifying Sexton Hill Drive as a Regional Road.
3. Accepts the Roads and Maritime Services (RMS) offer of a one off payment of \$307,974.50 for future maintenance of Sextons Hill Drive.
4. Negotiates the revision of the Roads & Maritime Services (RMS) Maintenance Schedule and responsibilities.

The Motion was **Carried**

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

Cr P Youngblutt has returned from temporary absence at 07:48 PM

31 [EO-CM] Pay Parking Scheme Investigation and Implementation

36

Cr W Polglase
Cr M Armstrong

RESOLVED that:

1. An allocation of \$30,000 to commence a parking demand study as a pre-requisite to the introduction of a pay parking scheme be included in the March 2013 Quarterly Budget review; and
2. The introduction of a pay parking scheme targeting high usage parking areas in Tweed Shire be considered in the 2013-2014 budget, to provide upfront funding for implementation at two pilot sites, with establishment costs estimated at \$85,000, and first year running costs of \$10,500.

37

AMENDMENT

Cr K Milne
Cr G Bagnall

PROPOSED that Council defers the item to bring forward a report on:

1. Advice from the Residents Associations in the affected areas to gain a preliminary understanding of the communities' initial level of acceptance; and

2. Includes in the report potential projects on which the parking meter profits could be allocated to.

The Amendment was **Lost**

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

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong

PROCEDURAL MOTION

38

Cr P Youngblutt

RESOLVED that the Motion be put.

The Procedural Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

The Motion was **Carried** (Minute No **36** refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong

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

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

32 [TCS-CM] 2010/2011 Comparative Information

Cr W Polglase left the meeting at 08:23 PM

Cr W Polglase has returned from temporary absence at 08:25 PM

Cr M Armstrong left the meeting at 08:26 PM

Cr M Armstrong has returned from temporary absence at 08:28 PM

39

Cr C Byrne

Cr P Youngblutt

RESOLVED that Council receives and notes the Division of Local Government's Comparative Information results for 2010/2011.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [TCS-CM] Volunteer Policy, Version 2.0

40

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Council places the draft Volunteers Policy Version 2.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seeks public submissions for 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 December 2012

41

**Cr M Armstrong
Cr C Byrne**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 December 2012 totalling \$154,461,303 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [TCS-CM] Community Strategic Plan 2013/2023

42

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that the Draft Community Strategic Plan 2013/2023 be endorsed, and placed on public exhibition for the period 4 February 2013 until 4 March 2013, inviting community feedback.

Cr C Byrne left the meeting at 08:36 PM

Cr C Byrne has returned from temporary absence at 08:36 PM

43

AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council defers this item and brings forward a report on:

1. Factoring the economic values of the environment into Council's Community Strategic Plan and future accounting practices in line with the NSW Environmental Planning and Assessment Act and Councils policies that states:

"Improved valuation, pricing and incentive mechanisms: Environmental factors should be included in the valuation of assets and services."

2. The indicators in the proposed plan particularly in regard to the proposed actions and key indicators for:
 - Re-homing pound animals;
 - CO₂ and Greenhouse reduction targets;
 - Community satisfaction levels;
 - Housing Affordability;

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No **42** refers)

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for a short break at 8.49pm.

RESUMPTION OF MEETING

The Meeting resumed at 9.02pm

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 28 August 2012

44

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Tweed Coast Koala Advisory Group Meeting held Tuesday 28 August 2012 be received and noted; and

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

6 Arkinstall Park

Council notes the Tweed Coast Koala Advisory Groups recommendation "That, as an act of goodwill, Council replaces habitat lost as a result of development at Arkinstall Park at a 10:1 ratio in a suitable location."

1. Induction workshop for new Council

That a Koala status/update workshop for the 2012-2016 incoming Council be scheduled.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 21 November 2012

45

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Tweed River Committee Meeting held Wednesday 21 November 2012 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows

GB1.Purchase of Land

Council notes the Tweed River Committee request "That Council investigates the purchase of several small parcels of privately owned riparian land, located at each end of Tumbulgum and at Hogan's corner (north of Stotts Island), on the basis that it could be regenerated by Council."

GB2.Terms of Reference

That Council accepts the proposed new terms of reference for the Tweed River Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [SUB-TRAG] Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 December 2012

46

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 December 2012 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

Gallery website

That Council provides adequate resources to update the Gallery website to reflect the high quality of the Gallery's programs and facilities, and to, enhance future donations for the Margaret Olley Art Centre.

Car park overflow

That a Council officer address the Committee regarding the possible provision of additional parking during peak times and events, and the possible provision of footpaths along Mistral and Bakers Roads.

Gallery tourist signage

1. *That the provision three additional signs be investigated:*
 - a. *at Alma Street, Murwillumbah near Budd Park.*
 - b. *on the corner of Kyogle and Bakers Road, Byangum.*
 - c. *on the corner of Stokers and Bakers Road, Dunbible.*
2. *That the existing two signs on Tweed Valley Way be enlarged.*

The Motion was **Carried**

FOR VOTE - Unanimous

39 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 20 December 2012

47

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 20 December 2012 be received and noted; and
2. Recommendations contained in Section A - Formal Items Section - Delegations for Regulatory Devices be endorsed being:

A1 [LTC] Norco Street, Uki

That a disabled parking space be installed in Norco Street, Uki and notification provided to Council's Equal Access Advisory Committee.

A2 [LTC] Casuarina Way corner of Riberry Drive, Casuarina

That:

1. The installation of a convex safety mirror at Casuarina Way and Riberry Drive is not supported due to site constraints making it ineffective.
2. Installation of a marked pedestrian crossing on Casuarina Way would not meet the warrants and is not supported.
3. Council installs its advisory speed radar when available to reinforce the speed limit.
4. Linemarking and signage be installed at the intersection of Casuarina Way and Riberry Drive to delineate vehicle paths and maximise sight distance.
5. Council officers consider the installation of a pedestrian refuge in this vicinity subject to sight constraints and the geometry of the road.
6. Casuarina Residents Association be advised of this issue and proposed actions, for their information.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 21 December 2012

48

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 21 December 2012 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows

6. LEP 2012

That Council notes the Tweed Coast Koala Advisory Group (TCKAG) advice that:

1. Approval of the draft Tweed LEP 2012 in its current form will have significant impacts on Council's ability to appropriately protect and recover the koala population on the Tweed Coast in accordance with Council's previous resolutions on the matter.
2. Under Draft LEP 2012 effective protection of koala habitat and koala food trees (via tree preservation provisions) will be reduced across the Tweed Coast Koala Study Area from 19725 ha to approximately 9435ha most of which is built up urban areas not generally frequented by koalas.
3. Approximately 1244 ha of lands previously identified for environmental zoning under Draft LEP 2010 within Tweed Coast Koala Study Area has been assigned to other zones in Draft LEP 2012. Most of this land has reverted to rural and non-urban zonings where koala habitat will not be able to be adequately protected.

The Motion was **Carried**

FOR VOTE - Unanimous

41 [SUBCOM] Reports from Subcommittees and/or Working Groups

49

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that the following Reports for Subcommittee and/or Working Groups be received and noted:

- Minutes of the Tweed Coastal Committee Meeting held Wednesday 21 November 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

42 [NOR-Crs G Bagnall, K Milne and M Armstrong] Bay Street East Road Reserve

NOTICE OF RESCISSION:

50

Cr M Armstrong
Cr K Milne

RESOLVED that the Minute Number 787, Item 47 of meeting held Thursday 13 December 2012 being:

"...that Council declines all proposals in regard to selling the Bay St east road reserve, and advises the current proponent and the relevant NSW government department."

(The Motion was **Lost**)

be rescinded.

The Motion was **Carried**

FOR VOTE - Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

43 [NOM-Cr M Armstrong] Bay Street East Road Reserve

NOTICE OF MOTION:

51

Cr M Armstrong
Cr K Milne

RESOLVED that:

1. Council notes that the current negotiations for the sale of the part of the Bay St East Road reserve has stalled and no activity has occurred for a number of years.
2. In light of the currently stalled negotiation Council declines to proceed with the current sale proposal.
3. Council notifies the other party that it has withdrawn from the current negotiations for the sale of the land.
4. Council explores with local businesses, residents, and their respective representatives, street and CBD beautification options with a view to bringing forward a report to the last meeting of Council in May 2013.

52

AMENDMENT

Cr C Byrne
Cr W Polglase

PROPOSED that:

1. Council notes that the current negotiations for the sale of the part of the Bay St East Road reserve has stalled and no activity has occurred for a number of years.
2. In light of the currently stalled negotiation, Council declines to proceed with the current sale proposal.
3. Council notifies the other party that it has withdrawn from the current negotiations for the sale of the land.

The Amendment was **Lost**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

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

The Motion was **Carried** (Minute No **51** refers)

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

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

44 [NOM-Cr K Milne] Planet Footprint

NOTICE OF MOTION:

The motion lapsed due to the lack of a seconder.

45 [NOM-Cr G Bagnall] Local Environmental Plan

NOTICE OF MOTION:

53

**Cr G Bagnall
Cr K Milne**

PROPOSED that:

1. The Minister for Planning and Infrastructure be invited to urgently meet with the Tweed Shire Councillors to discuss local concerns about environmental protection measures in the Tweed Local Environmental Plan.
2. Given the unique biodiversity of our region, the recently exhibited Draft Local Environmental Plan 2012 be amended to include:
 - (a) The revised draft Local Environmental Plan Environment Strategy (based on the Tweed Vegetation Management Strategy) referred to in Council's report on the Local Environmental Plan 2012 at the October 2012 Council meeting'
 - (b) The recommendations for environmental protection included in the Tweed Coast Koala Habitat Study (2011),

3. Following these inclusions, the amended Draft Local Environmental Plan 2012 be submitted as a matter of urgency to Council for endorsement prior to public exhibition.

SUSPENSION OF STANDING ORDERS

54

**Cr B Longland
Cr K Milne**

RESOLVED that Standing Orders be suspended to deal with this item and move into Committee for further discussion.

The Motion was **Carried**

***FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne***

55

**Cr C Byrne
Cr B Longland**

RESOLVED that Standing Orders be resumed.

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland
AGAINST VOTE - Cr K Milne, Cr G Bagnall***

REPORT FROM COMMITTEE OF THE WHOLE

56

**Cr B Longland
Cr M Armstrong**

RECOMMENDED that:

1. The Minister for Planning and Infrastructure be invited to urgently meet with the Tweed Shire Councillors to discuss local concerns about environmental protection measures in the Tweed Local Environmental Plan.
2. Given the unique biodiversity of our region:
 - (a) The recommendations contained within the document presently known as the draft Environment Strategy (based on the Tweed Vegetation Management Strategy) be accepted as a late submission to the Draft Local Environmental Plan 2012.

- (b) The recommendations included in the Tweed Coast Koala Habitat Study (2011) relating to environmental protection be also accepted as a late submission to the Draft Local Environmental Plan 2012.

Recommendation in Committee was Carried

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

57

AMENDMENT

**Cr B Longland
Cr M Armstrong**

RESOLVED that:

1. The Minister for Planning and Infrastructure be invited to urgently meet with the Tweed Shire Councillors to discuss local concerns about environmental protection measures in the Tweed Local Environmental Plan.
2. Given the unique biodiversity of our region:
 - (a) The recommendations contained within the document presently known as the draft Environment Strategy (based on the Tweed Vegetation Management Strategy) be accepted as a late submission to the Draft Local Environmental Plan 2012.
 - (b) The recommendations included in the Tweed Coast Koala Habitat Study (2011) relating to environmental protection be also accepted as a late submission to the Draft Local Environmental Plan 2012.

The Amendment was **Carried**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

The Amendment on becoming the Motion was **Carried** - (Minute No **57** refers)

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

**A NOTICE OF RESCISSION HAS BEEN SUBMITTED ON THIS MOTION, BY
COUNCILLORS YOUNGBLUTT, POLGLASE AND BYRNE.**

46 [NOM-Cr C Byrne] Operation of Library Services

NOTICE OF MOTION:

58

Cr C Byrne
Cr W Polglase

RESOLVED that a report be generated to demonstrate the viability of Tweed Shire Council being able to provide library services in its own capacity to all residents, and ratepayers of Tweed Shire, and to explore other partners for the provision of such services.

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Cr B Longland left the meeting at 10:39 PM

Cr P Youngblutt left the meeting at 10:39 PM

Cr M Armstrong chaired the meeting in the absence of Cr B Longland.

47 [QoN-Cr K Milne] Kinnears Quarry

QUESTION ON NOTICE:

Councillor K Milne asked when was the last time Council undertook an Audit on Council's Kinnears Quarry at Harrys Road and would an independent audit be appropriate at this stage, particularly in light of the Sandercock Quarry court case?

The Director Engineering and Operations responded that Council has responded to the requirements of the Environment Protection Authority and is continuously monitoring the discharge from Kinnears Quarry and the test results from this monitoring are available for all on Council's web site.

48 [QoN-Cr K Milne] Risk Management - Quarries

QUESTION ON NOTICE:

Councillor K Milne asked does Council consider that risk management practices associated with the quarries at Harry's Road are adequate, particularly in regard to public accessibility of Council's polluted quarry dam, the lack of a construction standard fence at Council's quarry currently signed as a construction site, and the lack of any fencing at Sandercocks quarry?

The Director Engineering and Operations advised that during the construction of the acid rock drainage treatment system, the site was inspected by a WorkCover Inspector. In his opinion the fencing and warning signage arrangements as currently in use are satisfactory.

Cr P Youngblutt has returned from temporary absence at 10:41 PM

Cr B Longland has returned from temporary absence at 10:41 PM

49 [QoN-Cr K Milne] Environmental Strategy - Inclusion in Local Environmental Plan

QUESTION ON NOTICE:

Councillor K Milne asked how and when is Council's revised Environmental Strategy, now proposed to be included in the Local Environmental Plan?

The Director Planning and Regulation responded as follows:

Firstly, in terms of the reference to an "Environmental Strategy", it should be noted that is a draft, internal working document, which has yet to be publicly exhibited or endorsed by either Council or Council Management. It contains a detailed explanation of the policy and statutory framework and strategic investigations carried out to date on the environmental planning mechanisms for the Draft Tweed LEP, as well as a series of recommended actions to advance a more comprehensive and effective zoning and planning controls within the current Draft LEP. In hindsight, the title working document could have been better worded as an "Analysis and Recommendations for Revised Environmental Protection Controls for the Draft Tweed LEP", or the like, as the title "Environmental Strategy" infers a much broader strategy.

An initial briefing of the document's analysis and recommendations were presented to the previous Council at a Councillors Workshop in June 2012. No decision was made on these recommendations at that point, although it was recognised at this Workshop that the matters presented were very complex, and required further explanation prior to being advanced for further formal consideration by Council.

Following respective directions and correspondence received from the NSW State Government between July and September 2012 in relation to finalising the Tweed Draft LEP, the Tweed Councillors were briefed by the officers on a recommended revision of the Draft LEP to produce more of a roll-over LEP, and to proceed with a separate process for the broader review and investigations for the environmental planning controls for a further update of the LEP.

Given the strength of the State Government's directions on the LEP environmental planning, there appeared to be no justification for including the draft, yet to be endorsed, "Environmental Strategy" document in the report to the October Council Meeting, or in the public exhibition material. Whilst there was no wording of prohibition expressed by the State Government, in a media release dated September 2012, the Minister for Planning and Infrastructure advised:

"The Government would not endorse the use of E2 and E3 environmental zones on land that is clearly rural in local environmental plans (LEPs) on the Far North Coast."

and

"Instead, areas proposed to be covered by these zones would be excised from the plans while the Department of Planning and Infrastructure reviews the use of these controls in consultation with other government agencies and stakeholders."

On that basis Council Management supported the finalisation of a report to the October Council Meeting. It should be noted that a Councillors Workshop on the Draft LEP was held on 18 October 2012, prior to the decision made by Council to endorse the public exhibition of the revised Tweed Draft LEP 2012. The State Government directions on the Draft LEP were reiterated at this Workshop.

There has never been any suggestion by Council or its officers that the broader strategic investigations arising from the Tweed Vegetation Management Strategy or the Draft Koala Plan of Management be abandoned. To the contrary, it was anticipated that these investigations and the "Environmental Strategy" document would be the subject of a separate process of discussion with Councillors, the NSW State Government and future community consultation, commencing with the scheduled Councillors Workshop on 31 January.

The NSW State Government has also commissioned consultants to conduct a review of environmental zones in the Far North Coast region, which is due to be completed in March 2013. Consultants for Council's Rural Lands Strategy have also recently commenced on this project. The results of both of these investigations will have an important influence on Tweed Council's environmental planning deliberations.

50 [QoN-Cr K Milne] Options - Revised Environmental Strategy

QUESTION ON NOTICE:

Councillor K Milne asked why did Council not provide Councillors, in the Council report of October 2012, the option of including Council's Revised Environmental Strategy, and were there any instructions from the State Government that prohibited this strategy from being included or whose decision was it not to include this Strategy in the draft Local Environmental Plan 2012?

See response from the Director Planning and Regulation at Item 49.

51 [QoN-Cr K Milne] Draft Local Environmental Plan 2012 - Koalas

QUESTION ON NOTICE:

Councillor K Milne asked what effect will the Draft Local Environmental Plan 2012 have on coastal protection of Koalas and the environment, Council's Environmental Protection Strategy for the coast, and the draft Koala Plan of Management?

The Director Planning and Regulation advised as follows:

Council acknowledges that the revised environmental planning controls of Draft Tweed LEP 2012 exposes a shorter term risk of vegetation clearance and redevelopment to those areas not covered by environmental protection zones, particularly the environmentally sensitive land on the Tweed Coast. The main focus of concern is that that the protection currently provided for the clearance of vegetation in the Tweed Coast through the Tweed Tree Preservation Order 2011 is proposed to be removed for rural zoned land under the Draft Tweed Development Control Plan A16 -Tree and

Vegetation Preservation Code, which was publicly exhibited concurrently with Draft LEP 2012.

However, there elements of this risk that need to be placed in perspective.

Firstly, it needs to be recognised that there are still a range of TVMS environmental protection measures that have been incorporated in the Draft Tweed LEP 2012, including a Terrestrial Biodiversity Overlay Map (which was originally exhibited in the Draft LEP 2010), as well as additional and enhanced environmental clauses, that still require a detailed assessment of any proposed vegetation removal relating to new developments across many parts of the Shire.

In terms of the koalas of the Tweed Shire, there has been a heightened awareness and sense of urgency to protect Council's remaining koala communities and habitats, as identified through Council's draft Koala Plan of Management (KPOM) process. Whilst the KPOM is still in a development stage, the public release of the consultant Biolink's initial document, the "Tweed Coast Koala Habitat Study" in January 2011, has promoted a series of urgent responses, including Council's adoption of a new Tree Preservation Order under Clause 54 of Tweed LEP 2000, in February 2011, affecting the entire Tweed Coast, and some adjacent bushland to the west of the Pacific Motorway, as well as subsequent funding for the preparation of a more comprehensive KPOM.

The plight of risk to the Tweed Coast koalas was further recognised through the listing of koalas as Vulnerable in NSW and Queensland under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The listing came into effect on 2 May 2012. In accordance with this listing, any land use or development activity that is likely to have a significant impact on koalas must be referred to the Federal Environment Minister through the Department of Sustainability, Environment, Water, Population and Communities.

Any consideration of the risk to loss of native vegetation, including Koala feed trees, must also take into consideration the operation and function of the State's native vegetation legislation, which is largely administered by the Catchment Management Authorities and regulates vegetation clearing over and above that provided in LEPs.

In terms of the more immediate threat of redevelopment to identified koala "significant activity" areas, as identified in Figure 5.1 of the "Tweed Coast Koala Habitat Study", there are currently no rezoning applications for land within those areas. A number of those activity areas also appear to be either wholly or in-part outside of the "Urban Growth Boundaries" identified in the Far North Coast Regional Strategy, where rezoning applications are not currently permitted. Furthermore, the impacts of redevelopment upon the existing koala habitats of the Leda Kings Forest are being closely examined under the current Part 3A planning processes.

There has been no decision to abandon the advancement of the recommended environmental planning protection measures of the TVMS and the yet to be completed KPOM. Rather, it is proposed to conduct further investigation, community consultation, and negotiations with the NSW State Government in order to advance a more comprehensive range of environmental planning protection controls for the Tweed Shire.

However, in accordance with the most recent direction of the NSW State Government, the most immediate priority for Council is to seek the finalisation of the current Draft LEP 2012 in the Standard Template format.

52 [QoN-Cr G Bagnall] Multi-Storey Car Park

QUESTION ON NOTICE:

Councillor G Bagnall asked that Council officers advise Council as to:

1. The present condition of cracking of the top floor of Council's new car park which is occurring due to the lack of expansion joints (only one on the whole top floor, normally they would occur every 3 metres)?
2. What future work will be need to rectify the white rust occurring on the middle floor due to water penetration through the cracks on the top floor?
3. In the event of prolonged fire on the ground and middle floor what would be the effect of not having the supports coated in concrete to insulate the metal from buckling?

The Director Engineering and Operations advised as follows:

1. Expansion joints to suspended concrete slabs such as the Multi-Storey Car Park slabs are normally placed approximately 30 metres apart to allow for movements of the slab due to temperature variation within the structure with no cut joints.

The cracking to the top floor is likely to have occurred due to concrete shrinkage which is a normal occurrence to the majority of concrete slabs in similar buildings.

The design has been based upon "Economical Carparks – A Design Guide by One Steel and Stramit Condek HP – Composite Slab System Product Technical Manual".

2. Sealing of the floor cracking is required as part of the normal building maintenance. This will significantly reduce the white coloured discharges through the top floor. The sealing of the floor with an epoxy resin will be scheduled into the maintenance schedule of the car park.
3. The structural code (Australian Standards) determines whether columns and beams require additional coating. The coatings do not guarantee that the structure will not fail, but rather ensure that the structure will survive for at least a predetermined time to allow a level of security for emergency personnel while evacuating the area. The open nature of the structure also reduced the heat load as it can escape.

The Multi Storey Car Park building is not required by the Building Code of Australia to have a fire resistant structure.

CONFIDENTIAL COMMITTEE

59

Cr P Youngblutt
Cr C Byrne

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

The Motion was **Carried**

FOR VOTE - Unanimous

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 THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO-CM] Naming of Park at Chinderah

REASON FOR CONFIDENTIALITY:

To avoid embarrassment to the nominator or family of the nominee, should Council determine not to support the information.

Local Government Act

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

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

C 1

Cr M Armstrong
Cr B Longland

RECOMMENDED that Council calls for comment regarding the naming of the park located at the roundabout at the intersection of Wommin Bay Road and Chinderah Bay Drive, Chinderah "Albert Ahrens Park" in accordance with Council's Policy for the Naming of Public Parks.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

2 [EO-CM] Review of Quarry Operating Business Plan

REASON FOR CONFIDENTIALITY:

Disclosure of the information contained in this report would influence the sale price of Council assets and provide commercial information about Council's business undertaking to competitors in the field.

Local Government Act

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

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

C 2

Cr W Polglase
Cr B Longland

PROPOSED that Council adopts the Preferred Options in the body of this report.

C 3

AMENDMENT

Cr G Bagnall
Cr K Milne

RECOMMENDED that this item be deferred to a Workshop.

The Amendment was **Carried** (Minute No **C3** refers)

FOR VOTE - Cr P Youngblutt, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr W Polglase, Cr C Byrne

MAYORAL MINUTE IN COMMITTEE

3 [MM-CM] General Manager's Review - Six Monthly Performance

REASON FOR CONFIDENTIALITY:

As this report deals with personal matters concerning the Employment Contract of the General Manager and the requirements of the Division of Local Government, this report is to be dealt with in confidential session.

Local Government Act

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

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

C 4

Cr B Longland

RECOMMENDED that Council receives and notes the outcome of the six monthly performance appraisal of the General Manager for the period ending 31 October 2012.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr K Milne

60

Cr B Longland
Cr C Byrne

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 11.04pm



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

Chairman