



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

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

Minutes

Ordinary Council Meeting Tuesday 17 April 2012

held at Murwillumbah Cultural and Civic Centre
commencing at 10.30am

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 10.59am.

IN ATTENDANCE

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

Also present were Mr Mike Rayner (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 Reverend Phil Gibb, Murwillumbah Baptist Church:-

Let us Pray,

Almighty God, Father in heaven whose name is hallowed, in your splendour and greatness you have formed this beautiful world, in your wisdom you always give true direction, guidance and purpose.

We are needful of your presence and assistance in all we do.

We acknowledge the responsibility of leading and governing in this great and most beautiful shire, its people, its community groups and clubs of services and leisure, its businesses and schools and medical departments.

Today as civic leaders of this Tweed Shire Council, we humbly seek your presence and wisdom among us. Keep us from offenses against you or each other as we deliberate, and if we stray from proper agenda or what is true, redirect us and forgive us we pray.

We thank you for the blessing of your presence and the privilege to serve the community.

May you be honoured in all that is done in this session of council.

We pray in the name of Jesus Christ your Son, who gave Himself for our sins and you raised from death to give us life.

Amen.

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Tuesday 20 March 2012

204

**Cr D Holdom
Cr W Polglase**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 20 March 2012 be adopted as a true and accurate record of proceedings of that meeting, including the following amendment:

- The resolution at Minute No 118 being [NOR-Cr D Holdom] Councillor Numbers to be amended to reflect the following voting:

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

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions

This Schedule of Outstanding Resolutions report was received and noted.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute - Period from 04 March 2012 to 04 April 2012

205

Cr B Longland

RESOLVED that:-

1. The Mayoral Minute for the period 04 March to 04 April 2012 be received and noted.

18/3/2012 - Cr Holdom - attended Banora Point Upgrade inspection

25/3/2012 - Cr Holdom - attended closing ceremony of Senior's Week

The Motion was **Carried**

FOR VOTE - Unanimous

206

Cr D Holdom

Cr P Youngblutt

RESOLVED that Cr B Longland and Cr W Polglase attend the Shires Association of NSW Annual Conference 2012 to be held at the Sofitel Wentworth Hotel, 61-101 Philip Street, Sydney on 4 to 6 June 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [MM-CM] Mayoral Minute - Delegated Authority to General Manager

207

Cr B Longland

RESOLVED that:-

1. In accordance with Section 377 of the Local Government Act 1993, the delegations granted by Council to General Manager Mike Rayner be revoked effective 29 April 2012.
2. In accordance with Section 334 of the Local Government Act 1993, David Keenan be confirmed as General Manager effective from 30 April 2012.
3. In accordance with Section 377 of the Local Government Act 1993, delegated authority be granted to General Manager David Keenan effective from 30 April 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

208

**Cr B Longland
Cr D Holdom**

RESOLVED that Item a4 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

a4 [MM-CM] June Council Meeting

209

**Cr B Longland
Cr D Holdom**

RESOLVED that the date of the June 2012 Council Meeting be amended to Tuesday 26 June 2012 and the June 2012 Community Access session be amended to Thursday 21 June 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 5 [GM-CM] Second Round Applications for Financial Assistance 2011/2012 - Donations Policy - Remaining Allocation to Vibe Care Ltd**

210

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council allocates the balance of \$2000 in the Second Round Donations for 2011/2012 under the Donations Policy to Vibe Care Ltd.

The Motion was **Carried**

FOR VOTE - Unanimous

- 6 [GM-CM] In Kind Support for Festivals and Events**

211

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that in accordance with the Event Strategy 2011-2016 in kind support will be given to events that help Council to meet the objectives of the strategy. In kind assistance can include: the loan of items, assistance to events held on Council administered land and assistance to events with notifications to residents and promotions.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

7 [PR-CM] Sale of Goods and Services at Public Markets on Council Controlled Land

212

Cr P Youngblutt
Cr K Milne

PROPOSED that Council:

1. Approves amendment to the Market Management Plan Guidelines to include a specific requirement that priority be given by market operators for participation by stall holders who sell locally produced goods and services, arts and crafts and organics.
2. Offers an extension of time to the current market operators for a further three month period, if necessary.
3. Approves the calling of expressions of interest from persons wishing to operate the Kingscliff, Pottsville, Recreation Street Tweed Heads and Knox Park Murwillumbah markets from 1 July 2012 for a three year period.

213

AMENDMENT

Cr K Milne
Cr J van Lieshout

RESOLVED that Council

1. Approves amendment to the Market Management Plan Guidelines to include a specific requirement that priority be given by market operators for participation by stall holders who sell locally produced goods and services, arts and crafts and organics.
2. Offers an extension of time to the current market operators for a further three month period, if necessary.
3. Approves the calling of expressions of interest from persons wishing to operate the Kingscliff, Pottsville, Recreation Street Tweed Heads and Knox Park Murwillumbah markets from 1 July 2012 for a three year period.
4. The General Manager invites the Chief Executive Officer of Destination Tweed to a meeting regarding possible future options of Destination Tweed working with individual market operators to assist in growing the market profiles within the Shire and tourism in general.

The Amendment was **Carried**

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

AGAINST VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt

The Amendment on becoming the Motion was **Carried** - (Minute No **213** refers)

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

AGAINST VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt

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

214

Cr P Youngblutt

Cr D Holdom

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

The Motion was **Carried**

FOR VOTE - Unanimous

9 [PR-CM] Tweed Heads State Emergency Service (SES)

215

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:

1. Advises the Crown Lands Division, Department of Primary Industries - Catchment and Lands that a diligent investigation of Council-owned land has revealed no suitable alternative sites exist for the accommodation of the State Emergency Service (SES) Tweed Heads Unit;
2. Advises the Crown Lands Division, Department of Primary Industries - Catchment and Lands of the results of the public consultation process that revealed that the majority of the community sought no alternatives/offsets for the loss of land for public recreation and open space;
3. Commits to conducting further consultation with the Banora Point community to investigate the improvement of local public recreation facilities at Darlington Green and Darlington Drive Parklands; and

4. Requests the Crown Lands Division, Department of Primary Industries - Catchment and Lands to progress the previous request to obtain long term tenure of the State Emergency Service (SES) at Lot 682 DP 41192 Pioneer Parade, Banora Point and seeking in principle support to extend the current facilities.

The Motion was **Carried**

FOR VOTE - Unanimous

- 10 [PR-CM] Planning Proposal PP11/0004 Draft Local Environmental Plan Amendment No. 96 Tweed City Shopping Centre

216

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council endorses Lot 5 in DP 830973, No. 24A Kirkwood Road, Tweed Heads South, to be incorporated into the current planning proposal PP11/0004, Draft Tweed Local Environmental Plan 2000 Amendment No. 96, subject to the prior written landowners consent of that property being provided.

The Motion was **Carried**

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

AGAINST VOTE - Cr J van Lieshout

- 11 [PR-CM] Planning Proposal PP10/0001 - Lot 10 DP 1084319 "Boyds Bay Garden World Site", Tweed Heads West

217

**Cr K Skinner
Cr W Polglase**

RESOLVED that Council in respect of Planning Proposal PP10/0001 – Lot 10 DP 1084319 "Boyds Bay Garden World site" Tweed Heads West approves an amendment to Draft Clause 53G in Tweed Local Environmental Plan 2000 (TLEP 2000) Amendment No. 93, as provided as Attachment 2 to this report.

The Motion was **Carried**

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

AGAINST VOTE - Cr J van Lieshout

12 [PR-CM] Response to a Notice of Motion - Sustainability Development Control Plan

218

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. The report to a Notice of Motion - Sustainability Development Control Plan be received and noted.
2. Council supports a review of Development Control Plan (DCP) A5 – Subdivision Manual, be undertaken, as soon as resources permit and to build upon existing sustainability and urban design principles.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] Response to a Notice of Motion - Policy Obstacles and Opportunities for Roadside Stalls

219

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council endorses the recommended actions within this report relating to roadside stalls comprising of:

- a) The short-term response for encouraging roadside stalls is to provide an information sheet that clearly sets out where they are permissible and the requirements for obtaining an approval,
- b) To foster greater knowledge and use of roadside stalls by establishing a tourist road map accessible through the Council's web site. This would comprise:
 - A shire map pin pointing the location of the roadside stalls
 - A drop-down box that would list the key produce sold
 - A series of tourist drive maps based on the location of roadside stalls with interactive features such as a photograph of the stall, background about the owners and the history of the farming activity and a full list of the produce available from the stall.

- c) In response to the growing demand and relevance of urban agriculture, identifies a policy approach in the Planning Reform's work program for formal consideration.
- d) Provides specific actions and recommendations for increasing the awareness and general access to local produce as part of the Sustainable Agriculture Strategy currently being prepared.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [PR-CM] Development Application DA11/0499.01 for an Amendment to Development Consent DA11/0499 for a Medical Centre Including Specialist Consultation (eg Speech Pathology), Pharmacy, Kiosk and Administration Facilities at Lot 5 DP 1113248; No. 33-35 Corporation Circuit, Tweed Heads South

220

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Development Application DA11/0499.01 for an amendment to Development Consent DA11/0499 for a medical centre including specialist consultation (eg speech pathology), pharmacy, kiosk and administration facilities at Lot 5 DP 1113248; No. 33-35 Corporation Circuit, Tweed Heads South be amended by:

1. Deleting Condition No. 18 and replacing it with Condition No. 18A which reads as follows:

18A Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the public infrastructure constructed for the development (not less than \$1000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Occupation Certificate is issued.

[PCC0275]

2. Deleting Condition No. 16 and replacing it with Condition No. 16A which reads as follows:-

16A. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000:

In respect of sub-paragraph (a) Tweed Road Contribution Plan, the following schedule of deferred payments of the required Section 94 Contributions shall be adhered to:

- 25% shall be paid prior to the issue of a Construction Certificate by a Certifying Authority;
- a further 50% of the required contributions shall be paid at the completion of the construction of the proposed building to the satisfaction of the General Manager or his delegate; and
- the remaining balance of 25% shall be paid prior to the issue of an Occupation Certificate by a Certifying Authority.

For each of the payment milestones the Certifying Authority is required to sight Council's "Contribution Sheet" signed by an authorised officer of Council, and provide evidence of the payment of each of the milestones;

In respect of sub-paragraph (b) Extensions to Council Administration Offices & Technical Support Facilities, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- | | | |
|-----|---|------------|
| (a) | Tweed Road Contribution Plan:
318.33 Trips @ \$1318 per Trips
($\$1318$ base rate + $\$0$ indexation)
S94 Plan No. 4
Sector2_4 | \$419,559 |
| (b) | Extensions to Council Administration Offices
& Technical Support Facilities
1.098669 ET @ \$1772.82 per ET
($\$1759.9$ base rate + $\$12.92$ indexation)
S94 Plan No. 18 | \$1,947.74 |

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Development Application DA11/0527 for an Attached Dual Occupancy at Lot 21 DP 1124438; No. 27 Charles Street, Tweed Heads

221

**Cr K Skinner
Cr P Youngblutt**

PROPOSED that Development Application DA11/0527 for an attached dual occupancy at Lot 21 DP 1124438 No. 27 Charles Street, Tweed Heads be granted in principle support for the proposal and that the officers bring back a further report to Council with possible conditions of development consent.

The Motion was **Lost**

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

222

**Cr K Milne
Cr J van Lieshout**

RESOLVED that Development Application DA11/0527 for an attached dual occupancy at Lot 21 DP 1124438; No. 27 Charles Street, Tweed Heads be refused for the following reasons:

1. The proposed development comprises a three (3) storey building in a zone with a two (2) storey height restriction. The proposed development does not comply with Clause 16 of the Tweed Local Environmental Plan 2000.
2. The proposed development, by reason of its three (3) storey height, is considered to be inconsistent with the majority of surrounding development in the locality, which consists predominantly of one (1) and two (2) storey buildings. The development application has failed to justify the proposed variation to the applicable development standard in relation to building height. Therefore the proposed three (3) storey building is not consistent with the aims of the State Environmental Planning Policy No. 1 (Development Standards) and the SEPP 1 Objection to vary the development standard is not well founded or justified in this instance.
3. The proposed development, by reason of its height, scale and bulk, would be inconsistent with the character and appearance of surrounding residential development, that predominantly consists of one (1) and two (2) storey residential development and, if approved, would set a harmful precedent for similar development

in the locality. The proposed development would therefore be contrary to the objectives of Clause 4, Clause 8, Clause 11 and Clause 16 of the Tweed Local Environmental Plan 2000; Clause 32B and Clause 43 of the North Coast Regional Environmental Plan and the aims and objectives of the State Environmental Planning Policy (SEPP) 71.

4. The proposed development comprises variations to the Tweed Shire Council Development Control Plan (DCP) Section A1, Part B (Residential and Tourist Code) in relation to the impact of the scale and height of the proposed building on streetscape amenity, dominance of garages, sunlight access, basement garage provisions, lack of integration of internal and external outdoor space and in relation to floor space ratio for attached dual occupancy development. The proposal therefore fails to adequately comply with the Tweed Development Control Plan Section A1 Part B.
5. The Tweed Development Control Plan 2008 requires a Floor Space Ratio of 0:55:1 for an attached dual occupancy development where the dwellings cover more than 50% of the site. The development proposes a Floor Space Ratio of 0.80:1 which does not comply with the requirements of the Tweed Development Control Plan 2008.

The Motion was **Carried**.

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

Cr W Polglase left the meeting at 12:13 PM

16 [PR-CM] Review of Local Government Engagement with the NSW Rural Fire Service

223

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council advises the Local Government and Shires Association of NSW of its support for Option 1 – Retract Local Governments operational involvement with the Rural Fire Service; and
2. The General Manager organises a Workshop between Council and the author of the discussion paper prepared by the Local Government and Shires Association to better understand the many matters affecting the operational administration of the Rural Fire Service (RFS) and Council.

Cr W Polglase has returned from temporary absence at 12:15 PM

Cr P Youngblutt left the meeting at 12:18 PM

Cr P Youngblutt has returned from temporary absence at 12:19 PM

224

AMENDMENT

**Cr J van Lieshout
Cr K Milne**

PROPOSED that this report be deferred and a Workshop undertaken.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout

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

The Motion was **Carried** (Minute No **223** refers)

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

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

ADJOURNMENT OF MEETING

Adjournment for lunch at 12.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 1.30pm

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

**17 [CNR-CM] Waste Minimisation and Management Development Control Plan
Section A15**

225

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council adopts and includes the Waste Minimisation and Management Section A15 in the current Tweed Development Control Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Additional support to Students Using Sustainable Strategies Forum 2012

226

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council provides an additional \$200 financial support through the Waste Management Budget to the Students Using Sustainable Strategies Forum in 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Green Infrastructure - Renewable Energy

227

**Cr D Holdom
Cr P Youngblutt**

PROPOSED that Council:

1. Receives and notes the report on Green Infrastructure - Renewable Energy.
2. Notes the change to the funding arrangements under the Federal Government Regional Development Australia Fund (RDAF).
3. Supports the following three large scale renewable energy projects:
 - a. Clarrie Hall Dam Mini Hydro-Electric Scheme - following determination and or completion of Augmentation strategy for Tweed District Water Supply.
 - b. Extraction and Utilisation of Landfill Gas, Stotts Creek Landfill - extension of scheme as required.
 - c. Condong Mill Co-Generation Facility - monitor and provide support as appropriate
4. Continues to support the installation of small scale solar PV systems as opportunities arise on new and old Council and community buildings

228

AMENDMENT

Cr K Milne
Cr K Skinner

RESOLVED that Council:

1. Receives and notes the report on Green Infrastructure - Renewable Energy.
2. Notes the change to the funding arrangements under the Federal Government Regional Development Australia Fund (RDAF).
3. Supports the following three large scale renewable energy projects:
 - a. Clarrie Hall Dam Mini Hydro-Electric Scheme - following determination and or completion of Augmentation strategy for Tweed District Water Supply.
 - b. Extraction and Utilisation of Landfill Gas, Stotts Creek Landfill - extension of scheme as required.
 - c. Condong Mill Co-Generation Facility - monitor and provide support as appropriate.
4. Continues to support the installation of small scale solar PV systems as opportunities arise on new and old Council and community buildings.
5. To invite expressions of interest for the community to participate in a "think tank" with Council to further the potential for renewable energy and energy efficient projects.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No **228** refers)

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

20 [CNR-CM] Pest Management Report - November 2011 to March 2012

229

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council receives and notes the Pest Management Report for the period November 2011 to March 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [CNR-CM] Offers of Financial Assistance for Tweed Coast Hazard Studies and Management Plan Update

230

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council:

1. Accepts the grant offers of \$25,000 and \$75,000 from the NSW Government Office of Environment and Heritage 2011/12 Coastal Management Program for the 'Tweed Coast Hazard Study Update' and 'Coastal Zone Management Plan Review, Kingscliff - Dreamtime Beach Compartment' respectively and votes the expenditure.
2. Allocates a matching \$100,000 from the Coastline Management Plan Implementation budget to complete the studies.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] ComPacks Tender

231

**Cr P Youngblutt
Cr D Holdom**

PROPOSED that Council endorses the proposal to partner with NSW Community Options Inc. in the tender submission for the NSW Health ComPacks program.

232

AMENDMENT

**Cr B Longland
Cr J van Lieshout**

RESOLVED that Council defers this item for a Workshop for Council to obtain a better understanding of how the Community Options program is managed and the services that it provides, to be held prior to the May Council meeting.

The Amendment was **Carried**

FOR VOTE - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No **232** refers)

FOR VOTE - Unanimous

23 [CNR-CM] Variations to EC2008-147 Banora Point Wastewater Treatment Plant Concept and Detailed Design, Documentation and Associated Services

233

**Cr K Skinner
Cr D Holdom**

RESOLVED that:

1. The additional variations of \$118,199 (exclusive of GST) for Contract EC2008-147 Banora Point Wastewater Treatment Plant; Concept and Detailed Design, Documentation and Associated Services, be received and noted.
2. The General Manager be given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.
3. 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:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

234

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Item a23 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

a23 [CNR-CM] Goorimahbah - '3 Brothers'

DECLARATION OF INTEREST

Cr K Milne declared a perceived non-significant, non-pecuniary Interest in this item, left the Chamber at 01:56 PM and took no part in the discussion or voting. The nature of the interest is that she has a business relationship with the artist.

235

Cr P Youngblutt

Cr D Holdom

RESOLVED that Council:

1. Offers a contract to Mr Garth Lena for the commissioning of the '3 Brothers' public art installation within Goorimahbah at Jack Evans Boat Harbour for the amount of \$86,000 plus GST.
2. Makes this offer under Section 55 (3)(i) of the Local Government Act 1993 and Section 7.2 of Council's Procurement Protocol with the extenuating circumstances being that:
 - (a) Council went through a process of artistic development with the aboriginal community in 2005/06.
 - (b) The concept design adopted by Council for Goorimahbah in 2006 includes the '3 Brothers'.
 - (c) '3 Brothers' is the intellectual property of Mr Garth Lena and he is the only legal supplier of this product.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

Cr K Milne has returned from temporary absence at 01:58 PM

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

24 [EO-CM] Urliup Road, Urliup - Land Acquisition for Road

236

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that

1. Council approves the acquisition of Lots 1-6 in DP 1172169 and the compensation payable as the transfer of road closure parcels being Lots 4-6 in DP 1172169 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Lots 1-3 in DP 1172169 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [EO-CM] Lease to Terranora Tennis Inc - Henry Lawson Drive, Terranora

237

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Approves entering into a lease with Terranora Tennis Inc over Lot 283 in DP 873663 and Lot 465 in DP 1144944 for a term of ten years and an option for a further ten years; and
2. All documentation is executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [EO-CM] Naming of Park - Wharf Park

238

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council names the park in under the fig tree, opposite the Murwillumbah Civic Centre 'Wharf Park' and erects signage.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [EO-CM] Seniors Age Specific Exercise Equipment

239

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that

1. The NSW Health Promotion Officer, Heart Foundation walking group leaders and walking group participants are consulted to provide advice on potential locations and types of exercise equipment within the Shire to service seniors.
2. Subject to item 1, the old exercise equipment along the foreshore at Kingscliff to be replaced with the recommended exercise equipment.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [EO-CM] EC2012-018 for the Supply of One (1) Heavy Commercial Truck Chassis and Build and Supply of One (1) Twelve Cubic Metre Aluminium Tipper Body

240

**Cr K Skinner
Cr J van Lieshout**

RESOLVED that in relation to Tender EC2012-018 for the Supply of One (1) Heavy Commercial Truck Chassis and Build and Supply of One (1) Twelve Cubic Metre Aluminium Tipper Body:

1. The Tender from VCV Brisbane South for the supply of One (1) Truck Chassis - Mack MP8 AMT Unit is accepted to the value of \$206,739 exclusive of GST.
2. The Tender from Vince McNamara Engineering for the build and supply of One (1) Twelve Cubic Metre Aluminium Tipper Body Unit is accepted to the value of \$35,700 Exclusive of GST.
3. 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:-
 - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

The Motion was **Carried**

FOR VOTE - Unanimous

29 [EO-CM] EC2012-015 Expression of Interest for Provision of Master Key Security System

241

**Cr K Skinner
Cr J van Lieshout**

RESOLVED that in relation to Tender EC2012-015 Expression of Interest for Provision of Master Key Security System:

1. Border Locksmiths and API Services and Solutions be further contacted requesting formal tender submissions for the provision of a Master Key Security System.
2. 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

30 [EO-CM] EQ2012-032 Expression of Interest for the Supply of Hardware, Electrical and Plumbing Materials as a Preferred Supplier

242

**Cr K Skinner
Cr J van Lieshout**

RESOLVED that in relation to EQ2012-032 Expression of Interest for the Supply of Hardware, Electrical and Plumbing Materials as a Preferred Supplier, suppliers as listed in the body of the report be accepted as Preferred Suppliers and that they be formally contacted and requested to nominate the level of discount that will apply for all materials purchased by Council over the period of the Preferred Supplier arrangement.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [EO-CM] EC2012-001 Wire Rope Installation Tweed Valley Way

243

**Cr P Youngblutt
Cr K Skinner**

RESOLVED that in relation to Tender EC2012-001 Wire Rope Installation Tweed Valley Way:

1. The tender from Protection Barriers Pty Ltd be accepted up to the value of \$346,974 including GST.
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. 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:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [EO-CM] Response to Notice of Motion 21 June 2011 - Cost of Cobaki Road Infrastructure

244

**Cr D Holdom
Cr K Milne**

RESOLVED that Council receives and notes this response to Notice of Motion Item No. 57 of the Council meeting held 21 June 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

33 [TCS-CM] Integrated Planning and Reporting Framework - 2011/2015 Delivery Program, 2012/2013 Operational Plan and Resourcing Strategy

245

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that:

1. The Draft Delivery Program 2011/2015, Draft Operational Plan 2012/2013 (Version April 2012) and associated Resourcing Strategy and Draft Revenue Policy and Statement 2012/2013 incorporating the Operational Plan Budget 2012/2013, be placed on public exhibition inviting submission, in accordance with Sections 404 and 405 of the Local Government Act 1993.
2. An application be made to the Independent Pricing and Regulatory Tribunal in accordance with Section S508A(9) of the Local Government Act 1993 for an amendment to the 2012/2013 approved variation to general income, for an increase in 0.4%, attributed to the Carbon Tax, which will result in a revised variation of 7.90%.

Cr B Longland left the meeting at 02:26 PM and Cr P Youngblutt chaired the meeting in his absence.

Cr B Longland has returned from temporary absence at 02:28 PM and resumed the chair.

The Motion was **Carried**

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

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

246

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 March 2012 totalling \$156,902,074.85 be received and noted.

Cr D Holdom left the meeting at 02:45 PM

The Motion was **Carried**

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

Cr D Holdom has returned from temporary absence at 02:47 PM

35 [TCS-CM] Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups - Policy

247

**Cr K Milne
Cr P Youngblutt**

RESOLVED that as a result of public submissions the advertised policy title be amended to "*Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups Policy*" Version 1, and be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS/CONFERENCES

36 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 March 2012

248

Cr D Holdom

Cr K Milne

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 22 March 2012 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows:

A1 [LTC] Knox Park - Car Park

That 17 spaces currently posted as two hour limited in the Knox Park carpark off Wollumbin Street be allocated as additional time unlimited spaces.

A2 [LTC] Brisbane Street, Murwillumbah

That the existing "No Parking" signage on Brisbane Street adjacent to the Spar Supermarket and Regent Theatre be replaced with 15 minute parking limits 9am-5pm Mon-Fri and 9am-12midday Sat.

A3 [LTC] Brett Street, Tweed Heads (Tweed Heads Civic Centre)

That:

1. Double centre lines be installed in the Tweed Heads Civic Centre car park entrance for a length of approximately 20m from Brett Street.
2. Subject to compliance with standards, the marked Mayoral car park space in the Tweed Heads Civic Centre car park be converted to a Disabled parking space.

Cr P Youngblutt left the meeting at 02:47 PM

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

37 [SUB-LTCBD] Minutes of the Local Traffic Committee - B-Double Route Meeting held 22 March 2012

249

**Cr K Milne
Cr D Holdom**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee - B-Double Route Meeting held Thursday 22 March 2012 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows:-

- 1. Lundberg Drive, Murwillumbah South**

That subject to conformance with the route assessment guidelines a designated 25m B-Double Route be approved for Lundberg Drive, Kite Crescent, Honeyeater Circuit and Thornbill Drive, Murwillumbah South.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

38 [SUBCOM] Delegates Report by Councillor Dot Holdom on the Australian Coastal Councils Conference, Hobart 5 – 7 March 2012

250

**Cr D Holdom
Cr W Polglase**

RESOLVED that Council:-

1. Supports the Taskforce recommendations to the Productivity Commission Inquiry as listed in this report, advise the Taskforce accordingly, and convey such support to Council's federal parliamentary representatives seeking their endorsement.
2. Conveys to the National Sea Change Taskforce its support of the 'Draft Coastal Sustainability Charter and Policy Framework for Coastal Australia' Discussion Paper.
3. Signifies to the National Sea Change Taskforce its strong support in terms of priorities for policy development, research and external support, as identified by the recent University of Sydney Report, and submit motions aimed at securing support thereon, to the Australian Local Government Association National Assembly and the New South Wales Local Government Association Annual Conference.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

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

The following reports from subcommittees and/or Working Groups not requiring a decision of Council were received and noted:

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 March 2012.
2. Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 15 March 2012.
3. Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 February 2012).

ORDERS OF THE DAY

40 [NOM-Cr K Milne] Coal Seam Gas Poll During Elections

NOTICE OF MOTION:

251

**Cr K Milne
Cr D Holdom**

PROPOSED that Council:

1. Conducts a poll in conjunction with local government elections to determine community support for a ban on coal seam gas exploration and mining in our Local Government Area.
2. Informs the Division of Local Government, the Local Government and Shires Associations and NOROC Councils of this intention.
3. Suggests to NOROC Councils that each member Council might like to consider a similar poll and requests staff to prepare a report on the preferred wording for a poll question and the information for both, Yes and No cases.

Cr P Youngblutt has returned from temporary absence at 02:51 PM.

The Motion was **Lost**

FOR VOTE - Cr K Skinner, Cr K Milne

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

41 [NOM-Cr K Milne] Community Adopt-a-Park Program

NOTICE OF MOTION:

252

Cr K Milne

Cr K Skinner

RESOLVED that Council brings forward a report on the possibilities of instigating community participation schemes in relation to the Adopt-A-Park program and any other areas potentially appropriate such as Sportsfields / Road reserves / Library and Art Gallery or other green spaces or waterways.

The Motion was **Carried**

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

42 [NOM-Cr K Milne] Coal Seam Gas Information and Policy

NOTICE OF MOTION:

253

Cr K Milne
Cr K Skinner

RESOLVED that this Notice of Motion be deferred for consideration to Council's May meeting.

Cr D Holdom left the meeting at 03:18 PM.

Cr D Holdom has returned from temporary absence at 03:20 PM.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [NOM-Cr K Skinner] Jetty at Chinderah

NOTICE OF MOTION:

254

Cr K Skinner
Cr P Youngblutt

RESOLVED that with reference to the letter from Chinderah District Residents' Association Inc dated 30 March 2012 (provided under separate cover) regarding a jetty at Chinderah, that:

1. Council supports the establishment of a pontoon jetty structure in Chinderah to properly service the boating fraternity and commences all necessary design and funding applications.

2. Council officers to bring back a report on options for size and location of the proposed jetty.

The Motion was **Carried**

FOR VOTE - Unanimous

44 [NOM-Cr K Skinner] Jack Bayliss Park - Strategy for Coastal Erosion

NOTICE OF MOTION:

255

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that in light of Council's present planned retreat approach to the Jack Bayliss Park area at Kingscliff that:

1. Council brings forward a report on the approximate value of this entire section of land from Kingscliff Bowls Club to North Kingscliff Caravan Park.
2. The community to be informed of what planned retreat actually means through an article in the Tweed Link.
3. Council also brings forward a report on the approximate cost of the installation of a similar rock wall as used south of the Cudgen Surf Club to give some protection to this parkland and infrastructure.

Cr W Polglase left the meeting at 03:51 PM

Cr W Polglase has returned from temporary absence at 03:52 PM

The Motion was **Carried**

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

URGENCY MOTION

256

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that Council accepts tabled Item a44 to be dealt with as a matter of urgency.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

a44 [NOM-Cr K Skinner] Off Road Motorcycle Facility

NOTICE OF MOTION:

257

Cr K Skinner

Cr P Youngblutt

RESOLVED that Council brings forward a report on the feasibility of the now disused Murwillumbah tip being utilised as an off road motorcycle facility.

Cr D Holdom left the meeting at 03:59 PM

Cr D Holdom has returned from temporary absence at 04:00 PM

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

QUESTIONS ON NOTICE

45 [QoN-Cr K Milne] Stormwater Developer Contributions

QUESTION ON NOTICE:

Councillor K Milne asked can council advise on whether there is the ability to implement a developer contribution plan to assist in addressing stormwater pollution?

The Director Engineering and Operations advised that it is not lawful to charge developer contributions to address existing stormwater pollution?

In the case of stormwater to be discharged from new development, standard conditions of consent are imposed to require stormwater to comply with the criteria designated in the Tweed Urban Stormwater Management Plan. Compliance with these consent conditions, generally requires developers to install stormwater treatment devices. Criteria for configuring and sizing treatment devices is contained in Council's Development Design Specification, D7 - Stormwater Quality. A developer contribution plan to address stormwater pollution is not necessary or lawful if the developers appropriately treat their own stormwater discharge.

46 [QoN-Cr K Milne] Koala Plan of Management Implementation Funding

QUESTION ON NOTICE:

Councillor K Milne asked can Council advise on what open space projects are proposed for the next budget and which projects could be deferred to provide funds for implementation of the Koala Plan of Management to avoid transferring fate of Koalas to other species as an alternative to depleting the existing environment budget of which only 5% is allocated to the Environment, in light of the Tweed having the highest number of threatened species in Australia?

The Director Engineering and Operations responded that the details of open space projects proposed for the next budget will be presented to Council in the 2012/13 Infrastructure Program (July or August 2012 Meeting). It is a matter for Council to determine if any of these projects should be deferred for the funding of any other purpose.

Cr P Youngblutt left the meeting at 04:09 PM

Cr K Skinner left the meeting at 04:10 PM

47 [QoN-Cr K Milne] Northern Rivers Biodiversity Management Plan Implementation

QUESTION ON NOTICE:

Councillor K Milne asked why hasn't council adopted into their assessment requirements section 3.1.2 of the Northern Rivers Biodiversity Management Plan which states, "*A policy of net biodiversity conservation gain should be applied when assessing and approving applications for any development or activity*" when this recommendation would greatly assist in protecting Tweed's Koala and other threatened species at no cost to the existing ratepayers?

The Director Community and Natural Resources responded that the recommendation of the Northern Rivers Biodiversity Management Plan reflects a more general "maintain or improve" test adopted by the Native Vegetation Act 2003.

Among other things, the guiding principles of the Tweed Vegetation Management Strategy requires that:

1. *Native vegetation communities must be managed in a way that does not compromise long-term sustainability.*
2. *The conservation of native vegetation should be integrated with the management of other natural resources at both the local and bioregional scales.*

Consistent with these principles Council officers are proposing revisions to the draft LEP accordingly with revised zonings and the inclusion of a number of map overlays and associated clauses.

In particular Clause 7.9 Environmentally Sensitive Land - Bushland would require offsets to ensure an “improved environmental outcome” in cases where an impact cannot be avoided, and having considered feasible alternatives.

Similar clauses are proposed for steep land (Clause 7.10), and riparian land (Clause 7.11).

It should also be noted that staff routinely seek improved environmental outcomes for DAs consistent with the Tweed Vegetation Management Strategy and the principles of ESD which underpin Council operations. Procedures for this are envisaged to be formalised with in a Biodiversity DCP which will follow the revised LEP.

48 [QoN-Cr K Milne] Dual Reticulation

QUESTION ON NOTICE:

Councillor K Milne asked can Council advise why the estimated costs for dual reticulation, provided in the Demand Management strategy, are not accurate as recently advised by Council, and a breakdown of the actual expected costs, so that the community and Councillors can make an informed decision on this vital matter?

The Director Community and Natural Resources responded that the estimated costs are inaccurate is incorrect. Having said that they are not absolute costings, and are not designed for external comparisons. The estimates represent relative costs and provide an approximation for comparison of the scenarios within the DMS. Even so extreme care should be taken when utilising the numbers – for example each scenario has been developed from the ground up based on individual characteristics, and subtracting the value of one scenario from the other does not equate to a specific piece of infrastructure.

Cr P Youngblutt has returned from temporary absence at 04:11 PM

Cr K Skinner has returned from temporary absence at 04:11 PM

49 [QoN-Cr K Milne] Fluoride Development Approval

QUESTION ON NOTICE:

Councillor K Milne asked will council apply for development approval for the construction and operation of the fluoride dosing facility at Council's new Water Treatment plant in line with the conclusion reached by Justice Biscoe in Oshlack vs Rous Water 2011 NSW LEC 73 (28 April), paragraph 58, and in light of the court proceedings for Eurobodalla?

Note

See extract Paragraph 58 Oshlack v's Rous Water 2011NSW LEC 73 (28 April).

Conclusion

58. Accordingly, I answer the preliminary questions as follows:

- (a) Was the first respondent, Rous Water, required to comply with the provision of ss 111 and 112 of the EPA Act with respect to the impacts on human*

health and the environment of adding fluorine to the water supply when determining to approve the construction and operation of the Clunes, Dorrroughby, Corndale and Knockrow fluoridation plants? Yes, except that insofar as any of those plants was the subject of the direction of 12 December 2007 to add fluorine to the Richmond Valley Water Supply the first respondent was required to comply with s 111 but no s112 of the EPA Act.

- (b) *(Was the second respondent, Ballina Shire Council, required to comply with the provisions of ss 111 and 112 of the EPA Act with respect to the impacts on human health and the environment of adding fluorine to the water supply when determining to approve the construction of the Marom Creek Fluoridation plant?)*

The Director Community and Natural Resources advised that Council has been operating a fluoridation system at Bray Park Water Treatment Plant since the late 1960s. A Part 3a approval was granted for the recent Augmentation of the plant which included replacement of the fluoride dosing system. No additional approvals are necessary.

50 [QoN-Cr K Skinner] Environmental Impact Statement-Sand Renourishment of Kingscliff Beach

QUESTION ON NOTICE:

Councillor K Skinner asked:

Does the present Environmental Impact Statement for the sand renourishment of Kingscliff Beach have the pipeline as a buried permanent linkage from the river to the beach to accommodate any long term future needs while preserving the sensitive area it will cross from the need for any further disturbance in the future.

The Director Community and Natural Resources advised that the possibility of a buried pipeline is being assessed through the EIS process. A buried pipeline offers advantages of a permanent solution however this comes a significant cost and potentially greater footprint. A decision is yet to be made on the preferred option.

CONFIDENTIAL COMMITTEE

258

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

Cr W Polglase has returned from temporary absence at 04:51 PM

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 GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

1 [PR-CM] New Kingscliff Police Station Development Application (DA11/0257) Third Party LEC Appeal

DECLARATION OF INTEREST

Cr K Skinner declared a perceived non-significant, non-pecuniary Interest in this item, left the Chamber at 04:22 PM and took no part in the discussion or voting. The nature of the interest is that he is a member of the Tweed Business and Residents Focus Group who are a party of this legal action.

REASON FOR CONFIDENTIALITY:

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

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

C 20

That Council, in respect of the current third party appeal lodged in the NSW Land and Environment Court by the Tweed Business and Residents Focus Group against the development consent (DA11/0257) to demolish the existing facility, and erect a new police station for the Tweed Byron Regional Command at Kingscliff, supports the following actions:

1. Advises the applicant for the appeal that the subject premises has no street number, and be invited to consider their position, including discontinuance of the appeal;
2. Following a response to Point 1, Council further considers its position regarding the appeal;
3. The other parties involved in the appeal be informed of the street numbering issue; and
4. Council's solicitors be requested to draft the necessary correspondence to the relevant parties.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr K Skinner

Cr K Skinner has returned from temporary absence at 04:36 PM

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 2 [EO-CM] Purchase of Land for Sportsfields - Fraser Drive Tweed Heads South**

REASON FOR CONFIDENTIALITY:

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: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

C 21

That:

1. Council approves the action proposed in Option 2 of this report.
2. ATTACHMENTS A and B are 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:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES IN COMMITTEE

Nil.

ORDERS OF THE DAY IN COMMITTEE

3 [NOM-Cr K Milne] West Tweed Community Centre

NOTICE OF MOTION:

C 22

That Council brings forward a report on whether there is justification in establishing a community centre at West Tweed. This report to include the possibility of purchasing the old general store shop in Kennedy Drive that is currently for sale by the Owners Property Group.

Cr W Polglase left the meeting at 04:48 PM

The Motion was **Lost**

FOR VOTE - Cr K Skinner, Cr K Milne
AGAINST VOTE - Cr D Holdom, Cr P Youngblutt, Cr J van Lieshout, Cr B Longland
ABSENT. DID NOT VOTE - Cr W Polglase

259

Cr D Holdom
Cr P Youngblutt

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous
PRESENT, DID NOT VOTE: Cr K Skinner

There being no further business the Meeting terminated at 4.52pm.



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

Chairman