



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 16 May 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 4.45pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 4.45pm.

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 Troy Green (Acting General Manager), Mr Michael Chorlton (Acting 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 Kerrie McConnell (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 the Council Prayer by the Mayor, Cr B Longland.

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Thursday 18 April 2013

264

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 18 April 2013 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr C Byrne declared a non-significant, non-pecuniary interest in Item 32 [PR-CM] Development Application DA12/0498 for the Demolition of Existing Dwelling and Construction of a Three-Storey Dwelling at Lot 1 DP 214686 No. 4 Marine Parade, Kingscliff. The nature of the interest is that Cr C Byrne is a neighbour.

Cr M Armstrong declared a non-significant, non-pecuniary interest in Item 29 [PR-CM] Electoral Signage. The nature of the interest is that the item relates to Cr M Armstrong's employment.

Cr G Bagnall declared a non-significant, non-pecuniary interest in Item 37 [CNR-CM] EQ2013-060 Operation of the Café at Tweed River Art Gallery. The nature of the interest is that Cr G Bagnall has had business dealings with affected parties.

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 reviewed by Councillors.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for the period 2 April to 1 May 2013

265

Cr B Longland

RESOLVED that the Mayoral Minute for the period from 2 April to 1 May 2013 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

4 [NOM-Cr G Bagnall] Collection and Recycling of Household Batteries

266

Cr G Bagnall
Cr K Milne

RESOLVED that Council Officers bring forward a report on the feasibility of establishing a business partnership model for the collection and recycling of household batteries within various commercial business districts.

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

5 [NOM-Cr G Bagnall] Staff Position - Cultural Development Officer

267

Cr G Bagnall
Cr M Armstrong

RESOLVED that a report be submitted to council detailing firstly, the manner in which the budgeted salary for the position of Cultural Development Officer has been allocated since the position was vacated and secondly, the future of this position.

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

6 [NOM-Cr G Bagnall] Assessment of Environmental Land

268

Cr G Bagnall
Cr K Milne

RESOLVED that Council undertakes a preliminary environmental assessment of the environmental land to the immediate north of the decommissioned Murwillumbah landfill to firstly determine the potential noise and dust impacts from the proposed development on this site and secondly, its ecological value, giving consideration to all fauna and flora on the site and the site's value in terms of the broader terrestrial environment, such as a nursery for endangered bats and bird species.

The Motion was **Carried**

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

7 [NOM-Cr G Bagnall] Sportsground Naming Policy

269

Cr G Bagnall
Cr W Polglase

RESOLVED that the Naming of Council Public Parks Policy be reviewed with the view of naming sports fields after their geographic location. In order to help the public identify and locate sports fields easier, the geographical name or the currently used named be the preferred name.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

8 [NOM-Cr G Bagnall] Policy - Animal Management Procedures

270

Cr G Bagnall
Cr K Milne

RESOLVED that a report be submitted to Council detailing Council's current Companion Animal Regulation functions, in order to determine the suitability of preparing a new Council Policy on animal management procedures, including a preferred process for handling barking dog complaints.

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

9 [NOM-Cr G Bagnall] Boating Plan of Management

271

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council requests the Roads and Maritime Services (RMS) to urgently review the boating plan of management for the Tweed River, due to concerns with ongoing river bank erosion, adverse environmental impacts and the cost of remediation works, and safety concerns of river users.

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***

10 [NOM-Cr G Bagnall] Rural Lands Strategy

272

**Cr G Bagnall
Cr K Milne**

PROPOSED that Council re-advertises the Rural Lands Strategy with a better balance of locations for consulting with the community, taking into account the highly valuable farming community on state significant lands in the Cudgen area, the coastal farming community and the farming community west of Tweed.

AMENDMENT

273

**Cr M Armstrong
Cr B Longland**

RESOLVED that Council does not consider the Rural Lands Strategy Notice of Motion.

The Amendment was **Carried**

FOR VOTE - Voting - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No 273 refers)

FOR VOTE - Unanimous

11 [NOM-Cr G Bagnall] Murwillumbah Business District

274

**Cr G Bagnall
Cr M Armstrong**

PROPOSED that the Murwillumbah Town Centre DCP B22 which was adopted by Tweed Shire Council on 13 May 2008 be reviewed, with the view of staging a works program to upgrade the town centre and this be considered in future budgets.

AMENDMENT

275

**Cr M Armstrong
Cr B Longland**

RESOLVED that this item be deferred to the August Council meeting.

The Amendment was **Carried**

FOR VOTE - Voting - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No 275 refers)

FOR VOTE - Voting - Unanimous

12 [NOM-Cr G Bagnall] Renewable Energy

276

**Cr G Bagnall
Cr K Milne**

RESOLVED that:

1. Council adopts the aspirational goal of becoming self sufficient in renewable energy and that, as a first step in achieving this goal, that it become an additional topic to be considered in the Sustainable Design Community Summit formally endorsed in the Council meeting of 21 March 2013; and
2. A report is prepared for Council consideration.

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***

13 [NOM-Cr B Longland] Walking Trails Within the Tweed Shire

277

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council provides \$5,000 towards the cost of completing a study and report on opportunities for the expansion of walking trails in the Tweed Shire, with the project to be managed by Destination Tweed.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

14 [NOM-Cr K Milne] Proposed Chinderah Pontoon - Size

The Mayor ruled this item as an ultra-vires motion.

15 [NOM-Cr K Milne] Signposting Seagrass Beds

278

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council requests the Roads and Maritime Service to signpost all significant seagrass beds in the Shire and implement an education program and on the spot penalties for entering these areas.

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***

16 [NOM-Cr K Milne] Lot 490

279

**Cr K Milne
Cr G Bagnall**

PROPOSED that:

1. A workshop is held with regard to the future use of Lot 490 with members of the community invited to take part.
2. Council writes to the NSW Minister to request:
 - a) A meeting with the Minister to discuss the future use of Lot 490;
 - b) Consideration of the development of Lot 490 not proceeds due to significant community opposition and concerns for the cumulative impacts on the coastal environment now that the developer has withdrawn from the arrangement, or, in the alternative;
 - c) An independent review of the financial costs and benefits and environmental impacts be undertaken and a revised comprehensive consultation be carried out to determine the community's preferred options for the site.

AMENDMENT

280

**Cr B Longland
Cr W Polglase**

RESOLVED that Council:

1. Arranges a workshop with Councillors on Lot 490 as soon as possible.
2. Arranges a public meeting to include representatives from Residents/Progress Associations across the Shire and the communities of Kingscliff, Casuarina, Cudgen and Chinderah with the purpose of discussing possible future uses for Lot 490 at Kingscliff. The meeting to be promoted through the Tweed Link and should include an invitation to the Department of Lands.
3. Prepares a report outlining the outcomes of both the workshop and public meeting regarding Lot 490.

The Amendment was **Carried**

FOR VOTE - Voting - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No 280 refers)

FOR VOTE - Voting - Unanimous

17 [NOM-Cr M Armstrong] Assistance Animals Including Guide Dogs and Hearing Dogs

281

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council:

1. As a matter of priority investigates the feasibility of providing off leash space for assistance animals including but not limited to guide dogs and hearing dogs within the upgrades to Arkinstall Park; and
2. Brings forth a report to outline ways in which greater provision can be made for off leash space for assistance animals including but not limited to guide dogs and hearing dogs both within existing infrastructure and within future large scale residential developments.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

18 [NOM-Cr M Armstrong] Policy - Hire Fees

282

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council develops a policy to provide support to Resident, Progress and Ratepayer organisations by:

1. Upon application providing a reduction in hire fees for Council properties in the amount of 50% of the community rate;
2. The period of reduction continues for a period of 12 months; and
3. The maximum number of hires to which the discounted hire fee applies during any 12 months period be fourteen.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

QUESTIONS ON NOTICE

19 [QoN - Cr K Milne] Proposed Chinderah Pontoon Debris Extent

QUESTION ON NOTICE:

Councillor K Milne asked what is the maximum extent of debris that Council considers could potentially accumulate on the proposed Chinderah pontoon during floods and what is the extent of debris that has been identified in the current plans?

Cr B Longland left the meeting.

The Director Community and Natural Resources advised that the detailed design of the pontoon is yet to be completed. The pontoon is to be procured under a Design and Construct contract. The design will be in accordance with the relevant Australian Standards and will need to be designed for expected flood and load levels as per all Council wharves, jetties and pontoons in the River.

20 [QoN-Cr K Milne] Proposed Chinderah Pontoon - Legal Liability and Insurance Risk

QUESTION ON NOTICE:

Councillor K Milne asked does Council have any legal liability and would Council be insured in regard to the potential of the proposed Chinderah pontoon dislodging in a flood and causing damage, particularly in regard to if the debris accumulation was underestimated in Council's approval?

The Director Community and Natural Resources advised that under Council's Statewide Mutual Liability Scheme, there is an Exclusion relating to liability arising from watercraft which are defined as "any vessel, craft or thing exceeding 8 metres in length made or intended to float on or in or travel on or through water". A 40 metre pontoon or any pontoon greater than 8 metres would fall within the Exclusion and therefore not be covered by Council's insurance policy.

Council may be held liable if it failed to maintain the pontoon and its moorings, but if that is not the case, then any claimant would need to prove that Council in some way breached its duty of care and that the breach was causative of any injury or loss they sustain.

As noted previously, the contractor will be required to design to the appropriate standards for the conditions. The level of risk would be the same as for all Council's public jetties and pontoons throughout the Tweed River and other waterways (e.g. Budd Park and Condong pontoons and Skinner Lowes Wharf which are subject to high flood flows).

Cr B Longland has returned from temporary absence at 06:08 PM

21 [QoN - Cr K Milne] Proposed Chinderah Pontoon Facilities

QUESTION ON NOTICE:

Councillor K Milne asked how many boats would a 10m, 20m, 30m or 40m pontoon provide for in regard to the proposed Chinderah pontoon and what proportion of the proposed 40m pontoon will be reserved for non boating activities such as fishing?

The Director Community and Natural Resources advised that the number of boats is dependent upon boat size. Assuming a boat length of 5 metres the various pontoon sizes will theoretically provide enough capacity for 4, 8, 12, and 16 if boats were moored to both sides of the facility. From experience at all other public jetties and pontoons around the Tweed River, there would be peak usage times but rarely would the facility be at capacity. This would be assisted with time limits on length of stay on the pontoon as is the case on all other public pontoons. Time limits could vary on sections of the jetty (e.g. 1 hour, 4 hours) and be decided in consultation with Roads and Maritime Services (RMS) and local boating representatives. It is not considered necessary to reserve any portion of the pontoon for non-boating activities and Council have not done so on any other public waterways facility.

RECEIPT OF PETITIONS

22 [ROP] Receipt of Petitions

283

**Cr M Armstrong
Cr B Longland**

RESOLVED that the following tabled Petition be received and noted:

- Proprietors of the Panorama Shopping Centre - 2,000 signatures opposing the establishment of an IGA Supermarket at the Seagulls Club.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE ACTING GENERAL MANAGER

23 [GM-CM] Independent Local Government Review Panel - Future Directions for NSW Local Government - Twenty Essential Steps - April 2013 - Submission

284

**Cr B Longland
Cr W Polglase**

RESOLVED that Council submits this report and attachment titled '*Tweed Shire Council response to the Future Directions for NSW Local Government - Twenty Essential Steps - April 2013*' to the Independent Local Government Review Panel.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

24 [GM-CM] Draft Business Investment Policy

285

**Cr W Polglase
Cr M Armstrong**

RESOLVED that Council:

1. Places the Draft Business Investment Policy, Version 1.0 on public exhibition and seek public submissions for 14 days.
2. Forwards for information, the Draft Business Investment Policy to Urban Enterprise (currently working with Council, Destination Tweed and the business community) whom are assisting in the formulation of an Economic Development Strategy and that copies also be provided to each Business Chamber for comment.
3. Notes the economic development initiatives undertaken by Council to date.

AMENDMENT

286

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council:

1. Places the Draft Business Investment Policy, Version 1.0 on public exhibition and seek public submissions for 14 days, with the addition of the following words on page 4:

"Vegetation enhancement" under the sustainability measures.

2. Forwards for information, the Draft Business Investment Policy to Urban Enterprise (currently working with Council, Destination Tweed and the business community) whom are assisting in the formulation of an Economic Development Strategy and that copies also be provided to each Business Chamber for comment.
3. Notes the economic development initiatives undertaken by Council to date.

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 285 refers)

FOR VOTE - Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.40pm.

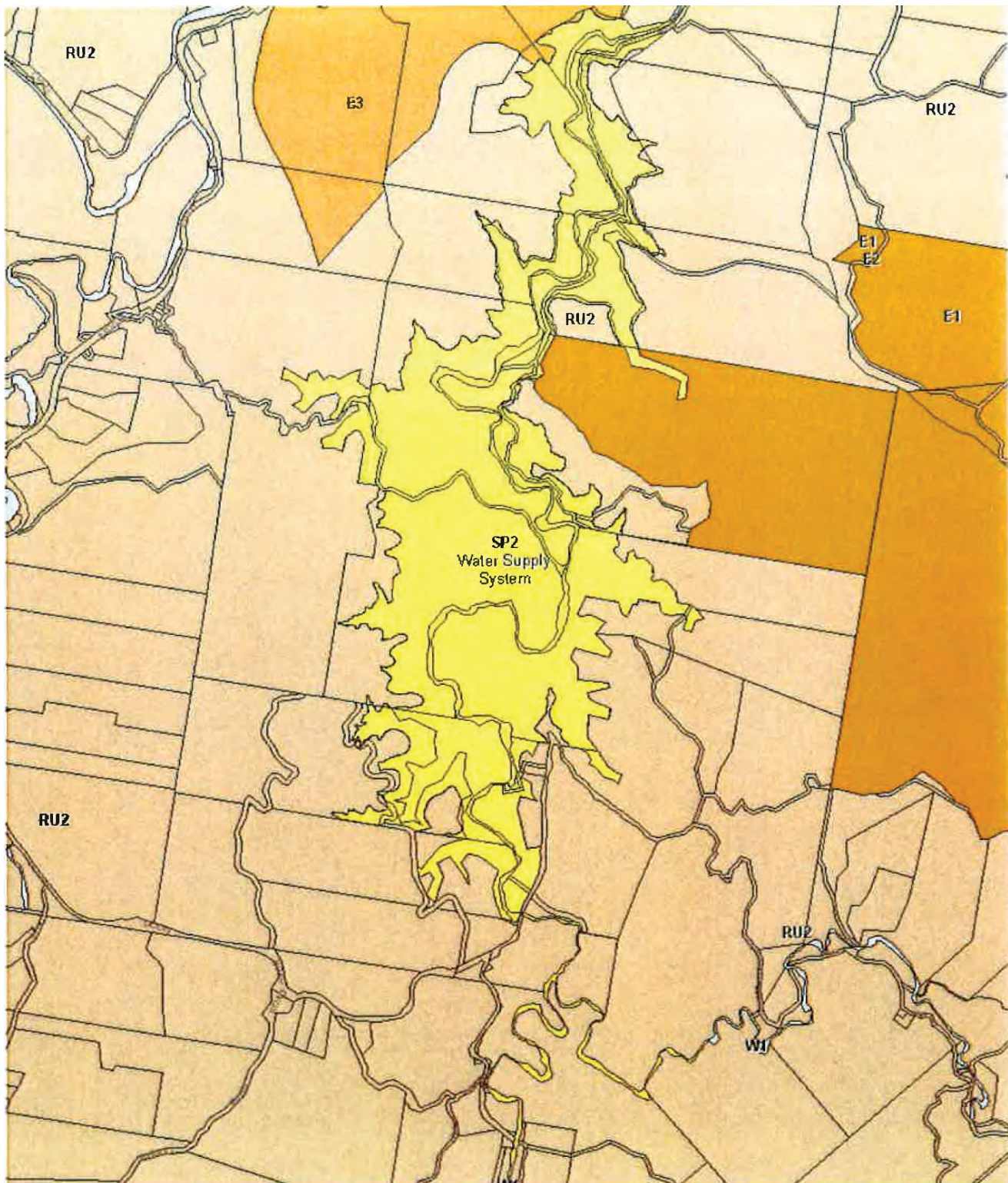
RESUMPTION OF MEETING

The Meeting resumed at 7.24pm

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

25 [PR-CM] Draft Local Environmental Plan (LEP) 2012

Note: Below is an amended Figure 3 map - refer page 76 (after proposed amendments) was distributed as part of the agenda, as the map contained within the agenda was not complete.



287

Cr K Milne
Cr G Bagnall

PROPOSED that this item be deferred to the next Council meeting.

AMENDMENT 1

288

Cr W Polglase
Cr P Youngblutt

PROPOSED that draft Tweed Local Environmental Plan 2012 is endorsed subject to the amendments recommended under Part 3 of this Report, without amendments to include riparian clause and environmental zones on the Tweed Coast (proposed under recommendations No 29 and No 52a); and:

1. The draft Tweed Local Environmental Plan 2012 be referred to the Director-General of the Department of Planning and Infrastructure, following its amendment under Resolution 1 above, for the draft local environmental plan to be made; and
2. That a draft local environmental plan (planning proposal) be prepared to bring about a greater level of protection for Koala Core Habitat, in accordance with State Environmental Planning Policy No.44 Koala Habitat Protection; and
3. Following the completion of the State Government's review of the Environmental Zones (E2, E3 & E4) and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region, a report detailing the process and strategy for Council to implement its broader environmental strategies be brought forward.

Amendment 1 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

AMENDMENT 2

289

Cr B Longland
Cr W Polglase

RESOLVED that draft Tweed Local Environmental Plan 2012 is endorsed subject to the amendments recommended under Part 3 of this Report, including recommendation No 52a to include environmental zones as exhibited under the draft Tweed Local Environmental Plan 2010, recommendation No 29 to include riparian clause, and including rationalisation of environmental protection zones on Council controlled land and:

1. Council seeks advice from the Department of Planning and Infrastructure that the abovementioned changes can be made without the need for further public re-exhibition; and
2. The draft Tweed Local Environmental Plan 2012 be referred to the Director-General of the Department of Planning and Infrastructure, following its amendment under Resolution 1 above, for the draft local environmental plan to be made; and
3. That a draft local environmental plan (planning proposal) be prepared to fully implement Council's adopted approach to environmental protection (including State Environmental Planning Policy 44 Koala Habitat) consistent with outcomes of the State

Government's review of the Environmental Zones and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region.

Amendment 2 was **Carried**

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

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

Amendment 2 on becoming the Motion was **Carried** - (Minute No 289 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

A NOTICE OF RESCISSION HAS BEEN RECEIVED FROM COUNCILLORS M ARMSTRONG, G BAGNALL AND K MILNE ON ITEM 25 [PR-CM] DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) 2012, RELATING TO THE RESOLUTION AT MINUTE NUMBER 289.

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

290

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council notes the April 2013 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

27 [PR-CM] Planning Reform Unit Works Program 2013

291

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council approves the Planning Reform Unit's Work Program 2013/2016 identified as Tables 2-4 in this report.
2. Council approves Recommendation 1 - *Planning Proposal PP10/0006 225 Terranora Road* within the report relating to the reprogramming of projects.

3. Council approves Recommendation 2 - *Planning Proposal PP10/0004 Enterprise Avenue* and Recommendation 3 - *Planning Proposals PP10/0002 & PP10/0005* within the report and the proponent(s) of the projects detailed are, on request, to provide to the Coordinator Planning Reform a sufficiently detailed schedule demonstrating a commitment to progress the project(s) through to completion within an agreed timeframe and a failure to comply within a reasonable time or to show adequate commitment to the completion of the project(s) will terminate Council's resourcing of the project(s).
4. A mid-year Work Program review and update be reported to Council no later than February 2014.

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

28 [PR-CM] Update on Development Assessment and Monitoring of Camphor Laurel Harvesting Activities in the Tweed Shire

292

**Cr M Armstrong
Cr W Polglase**

RESOLVED that the report on Update on Development Assessment and Monitoring of Camphor Laurel Harvesting Activities in the Tweed Shire be received and noted.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

29 [PR-CM] Electoral Signage

Cr M Armstrong has temporarily left the meeting due to a non-significant, non-pecuniary Conflict of Interest at 07:58 PM. The nature of the interest is that the item relates to Cr M Armstrong's employment.

293

**Cr B Longland
Cr G Bagnall**

PROPOSED that:

1. No signs allowed in Council's road reserves, either freestanding pole signs, or those affixed to trees or street furniture.

2. Signs will be permitted (a maximum of one sign per property) without Council development consent on a temporary basis, provided that they are no greater in area than 8,000 square centimetres, are located on private property, are non-illuminated or flashing, and are erected within 28 days before, and removed 14 days after the day of a Federal, State or Local Government Election.
3. All other promotional activities of candidates on Council controlled land are to comply with the Parliamentary Electorate and Election Act 1912.
4. Any signs that do not comply with the above rules will be impounded by Council officers and will be the subject of a Council fee for retrieval.

AMENDMENT

294

Cr C Byrne
Cr W Polglase

RESOLVED that:

1. The two instances of electoral signage noted in this report are unauthorised and require removal until such time that development consent is obtained. The owners of the gates and shop are to be advised accordingly.
2. Communication is to be developed in order to highlight all statutory requirements in relation to signage for all upcoming elections.
3. No signs allowed in Council's road reserves, either freestanding pole signs, or those affixed to trees or street furniture.
4. Signs will be permitted (a maximum of one sign per property) without Council development consent on a temporary basis, provided that they are no greater in area than 8,000 square centimetres, are located on private property, are non-illuminated or flashing, and are erected within 28 days before, and removed 14 days after the day of a Federal, State or Local Government Election.
5. All other promotional activities of candidates on Council controlled land are to comply with the Parliamentary Electorate and Election Act 1912.
6. Any signs that do not comply with the above rules will be impounded by Council officers and will be the subject of a Council fee for retrieval.

The Amendment was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

The Amendment on becoming the Motion was **Carried** - (Minute No 294 refers)

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

Cr M Armstrong has returned from temporary absence at 08:15 PM

30 [PR-CM] PP11/0002 Pottsville Employment Land - Change of Ownership and Proposed Use

295

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council proceeds with amendment of Planning Proposal PP11/0002 Pottsville Employment Land (Lot 12 DP 1015369) No. 39 Kudgeree Avenue, Cudgera Creek for the purpose of a business park development and environmental protection subject to entry into appropriate Costs and Expenses Agreement, Contract for Services, and Voluntary Planning Agreement with the proponent, and in accordance with previous resolutions of Council.

AMENDMENT

296

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred to the next Council meeting to allow for a workshop.

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

The Motion was **Carried** (Minute No 295 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

31 [PR-CM] Development Application DA12/0605 for a Two Lot Subdivision at Lot 1 DP 775668 No. 217 McAllisters Road, Bilambil Heights

297

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council grant in-principle support for the proposal, and that officers bring back a further report to Council with possible conditions of development consent.

The Motion was **Carried**

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

AGAINST VOTE - Cr B Longland

32 [PR-CM] Development Application DA12/0498 for the Demolition of Existing Dwelling and Construction of a Three-Storey Dwelling at Lot 1 DP 214686 No. 4 Marine Parade, Kingscliff

Cr C Byrne has temporarily left the meeting due to a non-significant, non-pecuniary Conflict of Interest at 08:35 PM. The nature of the interest is that Cr C Byrne is a neighbour.

298

**Cr W Polglase
Cr M Armstrong**

RESOLVED that this matter be deferred to the June Council meeting, at the request of the applicant.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne

AGAINST VOTE - Cr G Bagnall, Cr B Longland

ABSENT. DID NOT VOTE - Cr C Byrne

Cr C Byrne has returned from temporary absence at 08:39 PM

33 [PR-CM] Development Application DA13/0065 for Dwelling Additions Including Creation of Second Storey and Detached Double Garage with Carport with SEPP No.1 Objection at Lot 3 DP 712922; No. 13 Dalton Street, Terranora

299

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 24 of Tweed Local Environmental Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA13/0065 for construction of a first floor addition and roofed verandahs to an existing dwelling house and detached double garage with carport at Lot

3 DP 712922 No. 13 Dalton Crescent, Terranora be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 4625- cover sheet & sheets 4-10 & 17 prepared by Stuart Osman Building Designs and dated 26/03/13, except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

5. The footings to the dwelling additions and floor slab to the garage/carport are to be designed by a practising Structural Engineer and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

6. A construction certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

7. Prior to the issue of a construction certificate for the dwelling house additions the Principal Certifying Authority shall be provided with written confirmation from a practising Structural Engineer that the existing dwelling house is structurally adequate to support the proposed first floor additions.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

8. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

9. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

10. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

11. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

12. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

13. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

14. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

15. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

[DUR0005]

16. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

17. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

19. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

20. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

21. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

22. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

23. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
- [DUR0905]
24. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution
 - Dust during filling operations and also from construction vehicles
 - Material removed from the site by wind
- [DUR1005]
25. No portion of the structure may be erected over the existing easements along the eastern property boundary.
- [DUR1945]
26. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.
- [DUR2185]
27. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) Internal drainage, prior to slab preparation;
 - (b) Water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) External drainage prior to backfilling.
 - (d) Completion of work and prior to occupation of the building.
- [DUR2485]
28. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
29. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
- [DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

30. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

31. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

32. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

33. Prior to the issue of an occupation certificate the existing dwelling shall be provided with smoke detectors in accordance with the provisions of part 3.7.2 of the Building Code of Australia and which comply with the provisions of Australian Standard AS 3786.

[POCNS01]

USE

34. The garage is not to be used for any habitable, commercial or industrial purpose without prior approval of Council.

[USE0455]

AMENDMENT

300

**Cr K Milne
Cr G Bagnall**

RESOLVED that this item be deferred to seek amended plans to require the carport being relocated with respect to the setback conditions.

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 300 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**

34 [PR-CM] Development Application DA12/0527 for Internal Alterations and Additions Comprising a New General Store, Extension of Entrance and Carpark Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West

301

**Cr M Armstrong
Cr K Milne**

RESOLVED that Development Application DA12/0527 for internal alterations and additions comprising of a new general store, extension of entrance and car park reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West be refused for the following reasons:

1. The development is not considered to be consistent with Clause 4 - The aims of the Tweed Local Environmental Plan 2000 and the Strategic Planning documents that support the Local Environmental Plan.
2. The development is not considered to satisfy Clause 8(1)(a) – Consent Considerations of the Tweed Local Environmental Plan 2000 as the primary objective of the 6(b) Recreation Zone has not been met.
3. The development is not considered to satisfy Clause 8(1)(c) – Consent Considerations of the Tweed Local Environmental Plan 2000 as the development would have an unacceptable cumulative impact on the community, locality and catchment.
4. The development is not considered to satisfy Clause 17 of the Tweed Local Environmental Plan 2000 as the application has not adequately demonstrated that the development won't have an unacceptable social or economic impact on the locality.
5. The development is not considered to comply with Council's adopted Retail Strategy.
6. The development is not considered acceptable having regard to Draft LEP 2012 as the proposed development would be prohibited in the zone and fails to satisfy the zone objectives of the RE2 Private Recreation zone.
7. The development is not considered acceptable having regard to the general public interest and the impact the proposed development would have on the existing commercial zones in the locality.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

35 [CNR-CM] Koala Connections Project Implementation

302

**Cr K Milne
Cr B Longland**

RESOLVED that Council approves the funding as listed in the table below, to assist a private landowner to undertake the project:

Name	Area	Details	Cost Estimate (\$ excl. GST)
Murray (Lot 1 DP 1073829)	Round Mountain	Bush regenerator for 12 person days for site preparation and planting Supply 600 Koala food trees and fencing material Bush regenerator for 6 person days over 6 months for follow-up weed control	10,480
TOTAL			10,480

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

36 [CNR-CM] Formal Adoption of Council Policy - Discharge of Liquid Trade Waste to the Sewerage System

303

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council:

1. Adopts the Discharge of Liquid Trade Waste to the Sewerage System Policy, Version 1.0 noting that there have been no changes to the document that was placed on public exhibition.
2. Submits an application to the Director General, NSW Office of Water, to obtain Assumed Concurrence for Classification B discharges for Council.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [CNR-CM] EQ2013-060 Operation of the Cafe at Tweed River Art Gallery

Cr G Bagnall has temporarily left the meeting due to a non-significant, non-pecuniary Conflict of Interest at 08:54 PM. The nature of the interest is that Cr G Bagnall has had business dealings with affected parties.

304

**Cr W Polglase
Cr M Armstrong**

RESOLVED that, in relation to Tender EQ2013-060 Operation for the Café at Tweed River Art Gallery:

1. Subject to a financial assessment being undertaken that returns a satisfactory result, the tender from Paradise Tower Pty Limited be accepted for the value of \$30,000 (inclusive of GST), being the commencing annual licence fee for the operation of the Café at the Tweed River Art Gallery effective from 1 July 2013, for a licence of 3 years with an option for a further 3 years.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) (d) of the Local Government Act, 1983, because the disclosure of which would be likely to confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and prejudice the commercial position of the tenders if it was provided.
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

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

Cr G Bagnall has returned from temporary absence at 08:56 PM

38 [CNR-CM] Contract EC2013-034 Bray Park Water Treatment Plant - Design Supply Installation Testing and Commissioning of Potassium Permanganate Dosing System

Cr W Polglase left the meeting.

305

Cr M Armstrong
Cr P Youngblutt

RESOLVED that:

1. Council awards tender EC2013-034 Bray Park Water Treatment Plant - Design Supply Installation Testing and Commissioning of Potassium Permanganate Dosing System to Liquitek Pty Ltd for the amount of \$193,510 (exclusive of GST).
2. The Acting 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 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr W Polglase

39 [CNR-CM] Use of Land - Cabarita Youth Service

306

Cr M Armstrong

Cr P Youngblutt

RESOLVED that Council notes that the vacant land located on Hastings Road, Bogangar (Lot 6 DP 872039) is unable to be used for the provision of youth services by the Cabarita Youth Service as it is not an authorised use within the adopted Plan of Management and current zoning, and is not in accordance with the Draft Youth Strategy.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr W Polglase

Cr W Polglase has returned from temporary absence at 08:58 PM

40 [CNR-CM] Library Funding

307

Cr K Milne

Cr C Byrne

RESOLVED that Council writes to the Minister for the Arts, the Honourable George Souris MP, through Mr Geoff Provest MP, Member for Tweed and Mr Thomas George MP, Member for Lismore, calling upon the Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW public libraries.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

41 [EO-CM Extinguishment of Restriction as to User - Lot 5 in DP830973, Kirkwood Road, Tweed Heads

308

Cr P Youngblutt
Cr C Byrne

RESOLVED that Council:

1. Provides its consent to the extinguishment of the Restriction as to User seventhly referred to and created in DP628995 in so far as it relates to Lot 5 in DP 830973 only.
2. All documentation be executed under the Common Seal of Council.

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

42 [EO-CM] Chowan Creek - Road Closure Application - Parish of Nullum

309

Cr P Youngblutt
Cr K Milne

RESOLVED that the report not be dealt with.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

310

Cr P Youngblutt
Cr C Byrne

RESOLVED that Item a42 [EO-CM] Crown Road Closure Applications - Byangum and Eungella - Parish of Murwillumbah and Wollumbin 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

a42 [EO-CM] Crown Road Closure Applications - Byangum and Eungella - Parish of Murwillumbah and Wollumbin

311

Cr P Youngblutt
Cr C Byrne

RESOLVED that Council:

1. Withdraws the original objection as resolved in its meeting of 20 April 2010 to the closure and purchase by the applicant of the Crown road reserve which runs along the eastern boundary of Lot 4 in DP705636; and
2. Executes all relevant documentation under the Common Seal of Council.

AMENDMENT

312

Cr K Milne
Cr G Bagnall

PROPOSED that this item be deferred for consideration by the Tweed River Committee.

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** (Minute No 311 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

43 [EO-CM] EC2013-019 for the Supply of One (1) 27,500Kg GVM Heavy Commercial Truck Chassis and Build and Supply of One (1) Tilt-Tray Slide Back and Crane

313

Cr W Polglase
Cr M Armstrong

RESOLVED that in relation to EC2013-019 for the Supply of One (1) 27,500Kg GVM Heavy Commercial Truck Chassis and Build and Supply of One (1) Tilt-Tray Slide Back and Crane:-

1. The tender from Murwillumbah Truck Centre - Option No12, for the Supply of One (1) Mitsubishi Fuso FS52 27,500Kg GVM Heavy Commercial 8x4 Truck Chassis, and Build and Supply of One (1) Ekebol Tilt-Tray Slide Back Body and HMF 1420K4 Crane, be accepted to the value of \$335,362.00 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 commercial position of the tenders if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

FOR VOTE - Unanimous

- 44 **[EO-CM] EC2013-021 for the Supply of One (1) 24,000Kg GVM Heavy Commercial Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body**

314

Cr W Polglase
Cr M Armstrong

RESOLVED that in relation to EC2013-021 for the Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body:

1. The tender from Gold Coast Isuzu - for the Supply of One (1) Isuzu FXY1500L 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis be accepted to the value of \$150,651 Exclusive of GST.
2. The tender from Vince McNamara Engineering - for the build and supply of One (1) 10 Cubic Metre Tipping Body be accepted to the value of \$36,200 Exclusive of GST.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) (d) of the Local Government Act, 1983, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenders if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

FOR VOTE - Unanimous

45 [EO-CM] EC2013-046 Annual Supply of Ready Mixed Concrete

315

**Cr W Polglase
Cr M Armstrong**

RESOLVED that:

1. In relation to EC2013-046 Annual Supply of Ready Mixed Concrete Council accepts the tender from Boral (Area 1) , Hymix (Area 2) and Brims (Area 3) for the supply of Ready Mixed Concrete for the period 1 July 2013 until the 30 June 2014.
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 - Unanimous

46 [EO-CM] EC2013-064 Provision of Surf Life Saving Services 2013-2017

316

**Cr W Polglase
Cr M Armstrong**

RESOLVED that

1. Council awards tender EC2013-064 for the Provision of Surf Life Saving Services 2013-2017 to Australian Lifeguard Service for the amount of \$2,010,276.94 (exclusive of GST).
2. The General Manager is given delegated authority to approve variations up to \$150,000 above the awarded tender amount and those variations reported to Council following completion of works.
3. Council accepts the rates to provide services for Queensland school/public holidays where they do not coincide with NSW holidays for the tendered amount but that this service not be utilised at this time but called upon in the event that Council resolves to extend the services to cover these additional holiday periods.
4. 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

47 [EO-CM] EC2013-077 Budd Park Murwillumbah Landscape Upgrade

317

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council awards tender EC2013-077 for the Budd Park Murwillumbah Landscape Upgrade to Greenwood Landscape Management Pty Ltd for the amount of \$140,490.59 (exclusive of GST).
2. The General Manager is 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 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 - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

48 [EO-CM] EC2013-084 Contract for Concrete Works at Fraser and Leisure Drive Intersection

This item was withdrawn.

LATE ITEM

318

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Item a48 [EO-CM] EC2013-084 Concrete Works at Fraser and Leisure Drive intersection 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

a48 [EO-CM] EC2013-084 Concrete Works at Fraser and Leisure Drive Intersection

319

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council awards the Contract EC2013-084 Concrete Works at Fraser and Leisure Drive Intersection to Skeen Constructions Pty Ltd for the amount of \$173,207.27 (exclusive of 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 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

49 [EO-CM] EQ2013-027 Pay Parking Scheme Investigation and Implementation

320

**Cr B Longland
Cr K Milne**

RESOLVED that Council:

1. Declines the tender submission for EQ2013-027 from Bitzios Consulting;
2. Abandons the parking demand study.

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

50 [EO-CM] EC2013-018 Leddays Creek Cane Haul Road Upgrade

321

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. The tender from Hardings Earthmoving be accepted to the value of \$127,982.14 exclusive of GST for tender EC2013-018 Leddays Creek Cane Haul Road Upgrade.
2. The General Manager is given delegated authority to approve variations up to \$150,000 (inclusive of GST) above the initial tender price and those variations be reported to Council following completion of the works.
3. The ATTACHMENTS 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.

The Motion was **Carried**

FOR VOTE - Unanimous

51 [EO-CM] Ed Parker Rotary Park - Kingscliff Landscape Concept Plan

322

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council adopts the Ed Parker Rotary Park landscape concept plan included in this report.

The Motion was **Carried**

FOR VOTE - Unanimous

52 [EO-CM] Faulks Park - Kingscliff Landscape Concept Plan

323

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council adopts the Faulks Park landscape concept plan included in this report.

AMENDMENT

324

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a workshop.

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** (Minute No 323 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

53 [EO-CM] Trees in Streets and Parks

325

**Cr K Milne
Cr C Byrne**

RESOLVED that Council receives and notes the report on Trees in Streets and Parks.

The Motion was **Carried**

FOR VOTE - Unanimous

54 [EO-CM] Local Preference Procurement Policy

326

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council adopt Option 3 of this report being:
 - (a) Draft Version 1.5 of the Procurement Policy be placed on public exhibition for a period of 28 days and seeking public submissions for 42 days.
 - (b) Council concurrently seek advice and reports from the Audit Committee and the External Auditor on the likely implications of the draft policy on Council's finances and operations.
 - (c) Council obtains economic modelling on the likely impact of the draft policy on the local economy.
 - (d) Before compiling a final report on the amended policy, a Councillor workshop be conducted to consider outcomes of (b) and (c) above and submissions from the public and industry stakeholders.
2. An internal cross divisional "Sustainable Procurement Working Group" be established to:
 - (a) Develop and utilise systems to track and record sustainable purchases for the organisation to benchmark, record, and quantify progress.
 - (b) Work with suppliers to discuss and implement specific sustainability opportunities.
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

55 [EO-CM] Casino to Murwillumbah Transport Study

327

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. In regard to the Casino to Murwillumbah Transport Study recommendations, Council:
-

- (a) Notes with regret the recommendation regarding *"Rail services"* that rail services on the Casino to Murwillumbah rail line will remain suspended.
 - (b) Notes the recommendations regarding *"Rail assets"* and supports ongoing investment by the NSW Government to ensure the rail assets are maintained in a safe condition.
 - (c) Supports the recommendation regarding *"Rail corridor"* with the addition of the following additional dot points:
 - *"That further detailed work be undertaken by the NSW Government to determine the feasibility of converting the existing rail corridor to a rail trail facility and*
 - *That the existing rail corridor be kept in public ownership for future use as a rail trail facility and thereby preserving the corridor so it would be available at some future date if needed for re-establishment of rail services."*
 - (d) Supports the recommendations regarding the bus mode for investigating improvements to *"Existing services"*, particularly Route 603 Tweed Heads – Pottsville and Route 605 Tweed Heads – Murwillumbah.
 - (e) Notes the recommendations regarding the bus mode for *"New or amended services."*
 - (f) Supports the recommendations regarding the bus mode for *"Better integration"*, particularly Services 603 (Tweed Heads/Pottsville) and 605 (Tweed Heads/Murwillumbah) with Queensland TransLink services 765 (to Varsity Lakes Rail) and 760 (to Broadbeach and interchange with Light Rail)" with the addition of the following additional dot point:
 - *"The full integration of bus services in Tweed Shire into the Queensland "TransLink" and "GoCard" system will be actively pursued with the Queensland Government."*
2. To support sustainable tourism, healthy outdoor activities and economic development in Tweed Shire, Council actively support and promote the establishment of a rail trail on the Casino to Murwillumbah rail corridor, particularly the section extending south from Murwillumbah.

AMENDMENT

328

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred to a workshop.

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** (Minute No 327 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

EXTENSION OF MEETING

329

Cr B Longland
Cr M Armstrong

RESOLVED that Council extends the meeting to deal with the remainder of the agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

56 [EO-CM] Stormwater Drainage onto Lots 11 and 12 in DP 1112698 Hogans Road, Bilambil

330

Cr K Milne
Cr G Bagnall

PROPOSED that Council defers this item to bring back a report on cost estimates of the recommendations in the report and the cost estimates of the requests of the landowner, not before the October Council meeting.

AMENDMENT

331

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. Council notifies the owners of Lots 11 and 12 in DP1112698 that Council declines their request for erosion remediation works to the properties apart from those listed in recommendations 2 to 4 below.
2. Council installs rock pitching to the immediate surrounds of outlets to pipe culvert numbers 1 and 9 as identified in this report.
3. Council modifies the outlet to the raised pipe culvert number 5 to redirect the flow at ground level.

4. All pipe culverts fronting Lots 11 and 12 are internally inspected for faulty joints and repairs as required effected.
5. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 331 refers)

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

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

57 [TCS-CM] Mayor and Councillors Annual Remuneration 2013/2014

332

Cr W Polglase
Cr P Youngblutt

PROPOSED that the annual fees payable for the Mayor and Councillors for the 2013/2014 financial period be:

Mayor	\$38,160
Councillors	\$17,490

In accordance with the maximum fees as determined by the Local Government Remuneration Tribunal.

The Motion was **Lost**

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

A RESCISSION MOTION WAS RECEIVED ON THIS ITEM FROM CRS M ARMSTRONG, G BAGNALL AND W POLGLASE.

58 [TCS-CM] Quarterly Report - 1 January 2013 to 31 March 2013

333

**Cr W Polglase
Cr K Milne**

RESOLVED that Council endorses the Corporate Quarterly Report as at 31 March 2013.

The Motion was **Carried**

FOR VOTE - Unanimous

59 [TCS-CM] Quarterly Budget Review - March 2013

334

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the:

1. Quarterly Budget Review Statement as at 31 March 2013 be adopted, with the \$30,000 allocated to the now abandoned Paid Parking Scheme reallocated to the Murwillumbah Community Centre.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2013.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Employee costs	185,429	0
Materials & Contracts	0	245,776
Interest	0	0
Other Operating costs	2,993	0
Capital	780,000	0
Loan Repayments	0	0
Transfers to Reserves	307,975	0
	1,276,397	245,776
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	352,430
Capital Grants & Conts	0	190,000

Description	Change to Vote	
	Deficit	Surplus
User Charges & Fees	0	48,191
Other Operating Revenue	0	0
Loan Funds	0	195,000
Recoupments	0	360,000
Transfers from Reserves	115,000	0
Asset Sales	0	0
	115,000	1,145,621
Net Surplus/(Deficit)		0
	Deficit	Surplus
Sewer Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	450,000
Interest	0	29,489
Other Operating costs	0	0
Capital	0	3,273,600
Loan Repayments	0	33,305
Transfers to Reserves	891,728	0
	891,728	3,786,394
<u>Income</u>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	891,728
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	1,502,115	0
Transfers from Reserves	2,284,279	0
Asset Sales	0	0
	3,786,394	891,728
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	0	1,317,653
Loan Repayments	0	0
Transfers to Reserves	1,470,535	0
	1,470,535	1,317,653

Description	Change to Vote	
	Deficit	Surplus
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	601,436
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	45,113	0
Transfers from Reserves	403,441	0
Asset Sales	0	0
	448,554	601,436
Net Surplus/(Deficit)		0

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 [TCS-CM] In Kind and Real Donations - January to March 2013

Cr W Polglase left the meeting.

335

**Cr C Byrne
Cr M Armstrong**

RESOLVED that Council notes the total donations of \$37,651.13 for the period January to March 2013.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

LATE ITEM

336

**Cr M Armstrong
Cr K Milne**

RESOLVED that Item a60 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 April 2013 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

a60 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 April 2013

337

**Cr M Armstrong
Cr K Milne**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 April 2013 totalling \$152,832,044 be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

61 [SUB-TRAGAC] Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 13 March 2013

338

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 13 March 2013 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

Proposal to Charge an Entry Fee to Visitors of the Gallery

That Council notes the advice of the Tweed River Art Gallery Advisory Committee regarding entry fees to the Gallery.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

62 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 4 April 2013

339

Cr C Byrne
Cr P Youngblutt

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 4 April 2013 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1 [LTC] Sutherland Lane, Kingscliff

That the one way designation of traffic east to west on Sutherland Lane Kingscliff be supported subject to satisfactory community consultation including the Kingscliff District Business Chamber.

A2 [LTC] Tumbulgum Road, Murwillumbah

That:

1. The one-way designation of Tumbulgum Road between Old Ferry Road and Sunnyside Lane is not supported due to potential adverse impacts on the intersection of Alma Street/Commercial Road roundabout and the additional traffic entering the Murwillumbah CBD via Old Ferry Road.
2. The Committee did not support the installation of pedestrian fencing on the footpath as this would limit the width of the footpath to an unacceptable level.
3. A yellow edge line be installed on the footpath.
4. "Dismount Bicycles" signage be installed on both approaches.
5. Roads and Maritime Services be requested to designate the section of Tumbulgum Road between Old Ferry Road and Sunnyside Lane at 40km/h.

6. Council considers moving the double centre line closer to the riverside to widen the width of the north bound lane.

A3 [LTC] Pearl Street, Kingscliff

That the existing children's crossing on Pearl Street adjacent to St Anthony's School be upgraded to include markings for a zebra crossing.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

63 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 April 2013

340

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 April 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

64 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 10 April 2013

341

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that the Minutes of the Tweed River Committee Meeting held Wednesday 10 April 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase***

Cr W Polglase has returned from temporary absence at 10:41 PM

CONFIDENTIAL COMMITTEE

342

Cr M Armstrong
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 Acting 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 ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO-CM] Area E Terranora Altitude Aspire Voluntary Planning Agreement

REASON FOR CONFIDENTIALITY:

This report deals with legal negotiations with the developer.

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: -

- (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 29

That Council adopts Option 3 of the Area E Terranora Altitude Aspire Voluntary Planning Agreement report.

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

343

Cr P Youngblutt

Cr K Milne

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 10.46pm.



Minutes of Meeting Confirmed by Council

at the

Council Meeting held on xxx

Chairman

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