



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 24 January 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 10.35am.

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 Anthony Burnham (Acting Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Bob Spence from the Tweed Valley Christian Outreach Centre.

READING - Galatians 6:9

"And let us not lose heart and grow weary and faint in acting nobly and doing right, for in due time and at the appointed season we shall reap, if we do not loosen and relax our courage and faint."

PRAYER

Father God,

You have called each one here today to be the servants of Your servants the people of our shire and community.

Each one meets here today as their representatives,

And so we ask for the Grace of Your Guidance.

Help each one to truly represent the shire

And not simply ourselves.

May the true needs of our communities

And the common good of all be the main concern.

And above all, may Your Will in these matters become our Will.

Help us who serve in leadership within the community to fulfil our purpose

Visit us today by your Holy Spirit and grant us the light of Your Wisdom.

*We ask this through Jesus our Lord,
Who lives and reigns with You and the Holy Spirit,
Forever and ever.
Amen*

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of Ordinary and Confidential Minutes from Meeting held Tuesday 13 December 2011

1

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 13 December 2011 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN] Confirmation Minutes of Extraordinary Council Meeting held Monday 19 December 2011

2

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the Minutes of the Extraordinary Council Meetings held Monday 19 December 2011 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Declaration Cobaki/Kings Forest - Cr K Milne

This declaration also refers to Item 45 and the Mayoral Minute - Minute 61 of 21 February 2012 refers

Cr K Milne made a statement with regard to Item 6 [PR-CM] Kings Forest Stage 1 Project Application and Amendment 2 to the Concept Plan - Council's Submission to the NSW Department of Planning and Infrastructure, listed in the Agenda:

I would like to make a statement to clarify my participation in relation to Item 6 in today's business papers.

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

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

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

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR] Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolutions was received and noted.

3

**Cr B Longland
Cr D Holdom**

RESOLVED that Standing Orders be suspended to deal with Item 6 of the Agenda.

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

4

Cr D Holdom
Cr J van Lieshout

RESOLVED that Council moves into Committee of the Whole to discuss Item 6 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

RESUMPTION OF STANDING ORDERS

5

Cr D Holdom
Cr J van Lieshout

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

6 **[PR-CM] Kings Forest Stage 1 Project Application and Amendment 2 to the Concept Plan - Council's Submission to the NSW Department of Planning and Infrastructure**

Cr Milne declared an interest in this item and did not leave the Chambers during the discussion on this matter.

6

Cr K Milne
Cr D Holdom

PROPOSED that Council endorses this report to form the basis of a submission to the NSW Department of Planning and Infrastructure in respect to the Stage 1 Project Application for Kings Forest.

7

AMENDMENT 1

Cr W Polglase
Cr P Youngblutt

PROPOSED that Council:

1. Endorses this report to form the basis of a submission to the NSW Department of Planning and Infrastructure in respect to the Stage 1 Project Application for Kings Forest, with the removal of the recommendation within the report stating "*That the Koala Plan of Management be reviewed to ensure: (1) implementation of a complete ban on dogs within the site; and (2) provision is made to enable additional patrols and compliance by Council Rangers to police the ban*".
2. Advises the Department of Planning of its concerns as identified in the Koala Plan of Management to ensure of the continued healthy existence of koalas and consideration of the threat of residents dogs to the development

The Amendment 1 was **Carried** and become the Motion - (Minute No **7** refers)

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

Cr P Youngblutt left the meeting at 12:06 PM

8

AMENDMENT 2

Cr B Longland
Cr K Milne

PROPOSED that Council:

1. Endorses this report to form the basis of a submission to the NSW Department of Planning and Infrastructure in respect to the Stage 1 Project Application for Kings Forest, with the removal of the recommendation within the report stating "*That the Koala Plan of Management be reviewed to ensure: (1) implementation of a complete ban on dogs within the site; and (2) provision is made to enable additional patrols and compliance by Council Rangers to police the ban*".
2. Advises the Department of Planning of its concerns as identified in the Koala Plan of Management to ensure of the continued healthy existence of koalas and consideration of the threat of residents dogs to the development.
3. In light of the new and dire information provided in the Tweed Coast Koala Habitat Study 2011, requests the NSW Planning Department allow for the Comprehensive Tweed Coast Koala Plan of Management to be finalised, and the Kings Forest Concept Plan be reviewed accordingly, before any development consideration, so that current and appropriate planning controls can be applied.

Cr P Youngblutt has returned from temporary absence at 12:06 PM

PROCEDURAL MOTION

9

Cr J van Lieshout
Cr P Youngblutt

RESOLVED that the Motion be put.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr B Longland

The Amendment 2 was **Lost**

FOR VOTE - Cr K Milne, Cr B Longland

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

10

AMENDMENT 3

Cr K Milne
Cr B Longland

PROPOSED that Council:

1. Endorses this report to form the basis of a submission to the NSW Department of Planning and Infrastructure in respect to the Stage 1 Project Application for Kings Forest, with the removal of the recommendation within the report stating "*That the Koala Plan of Management be reviewed to ensure: (1) implementation of a complete ban on dogs within the site; and (2) provision is made to enable additional patrols and compliance by Council Rangers to police the ban*".
2. Advises the Department of Planning of its concerns as identified in the Koala Plan of Management to ensure of the continued healthy existence of koalas and consideration of the threat of residents dogs to the development.
3. In light of the new and dire information provided in the Tweed Coast Koala Habitat Study 2011, requests the NSW Planning Department allow for the Comprehensive Tweed Coast Koala Plan of Management to be finalised, and the Kings Forest Concept Plan be reviewed accordingly, so that current and appropriate planning controls can be applied.

The Amendment 3 was **Lost**

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

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

ADJOURNMENT OF MEETING

Adjournment for lunch at 12.35pm.

RESUMPTION OF MEETING

The Meeting resumed at 1.32pm

SUSPENSION OF STANDING ORDERS

11

Cr D Holdom

Cr B Longland

RESOLVED that Standing Orders be suspended and move into Committee of the Whole to deal with a further amendment to Item 6 of the Agenda.

The Motion was **Carried**

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

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

12

Cr J van Lieshout

Cr D Holdom

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

13

AMENDMENT 4

Cr D Holdom

Cr K Milne

RESOLVED that Council:

1. Endorses this report to form the basis of a submission to the NSW Department of Planning and Infrastructure in respect to the Stage 1 Project Application for Kings Forest, with the removal of the recommendation within the report stating "*That the Koala Plan of Management be reviewed to ensure: (1) implementation of a complete ban on dogs within the site; and (2) provision is made to enable additional patrols and compliance by Council Rangers to police the ban*".
2. Advises the Department of Planning of its concerns as identified in the Koala Plan of Management to ensure of the continued healthy existence of koalas and consideration of the threat of residents dogs to the development
3. All dogs must be enclosed in fully fenced and self-closing gated yards.
4. Provision is made to enable additional patrols and compliance by Council Rangers to police the restrictions by a sinking fund provided by the developer, and a differential rate paid by future owners (who own a dog) at the Kings Forest site/development, in perpetuity.
5. The Department of Planning sources a list of dogs that are historically known to be aggressive, predatory by nature and/or have a propensity to dig or tunnel and/or have a propensity to develop a "pack mentality" and that those breeds form a list of banned dogs by way of a s88B instrument at Kings Forest.
6. The Department of Planning gives serious consideration to the fact that an application has been made to list the Tweed Coastal Koala population as "endangered" and that the Tweed Shire Council Draft Comprehensive Koala PoM is due to be placed before the Tweed Coast Koala Advisory Group shortly, and the Australian Federal Parliament Senate Report on Koalas, is also due for release shortly.
7. Regardless of claim at s9.10 of the Kings Forest Stage 1 Project Application Koala Plan of Management all pools and surrounding fencing must be designed in such a way that should any Koala accidentally fall into any pool, provisions are there for the Koala to remove itself by way of steps, ropes and the like, as it is a known fact that Koala's do fall from trees into swimming pools.

PROCEDURAL MOTION

14

Cr D Holdom
Cr K Skinner

RESOLVED that the Motion be put.

The Motion was **Carried**

FOR VOTE - Unanimous

The Amendment 4 was **Carried**

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

The **Amendment 4** on becoming the Motion was **Carried** - (Minute No **13** refers)

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

15

Cr K Skinner
Cr D Holdom

RESOLVED that Standing Orders be resumed to deal with the remaining Agenda items.

The Motion was **Carried**

FOR VOTE - Unanimous

MAYORAL MINUTE

4 [MM] **Mayoral Minute for the Period 02 December 2011 to 05 January 2012**

16

Cr B Longland

| |
|---|
| Minute 61 of 21 February 2012 refers - see Disclosure of Interest on Page 5 of these minutes. |
|---|

RESOLVED that:-

1. The Mayoral Minute for the period 1 December 2011 to 5 January 2012 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.
 - a. LGSA Tourism Conference being hosted by Gunnedah Shire Council at Gunnedah Civic Centre - "A Local Government focused tourism conference - By the Industry, for the Industry" to be held on 12-14 March 2012 be attended by Cr B Longland.

The Motion was **Carried**

FOR VOTE - Unanimous

5 [MM] Mayoral Minute - LEDA Reports, Cobaki and Kings Forest

17

Cr B Longland

PROPOSED that:-

1. Council endorses the engagement of Blackadder Consulting to undertake the role as outlined in this minute in consultation with, and subject to, agreement from LEDA.
2. The ATTACHMENT is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains:
 - (a) personnel matters concerning particular individuals (other than councillors)

The Motion was **Lost**

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

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

URGENCY MOTION

18

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council agrees to consider the Urgency Motions under "Section 1.3.1 - Giving Notice of Business" of Council's Code of Meeting Practice in relation to the recruitment of the General Manager.

The Motion was **Carried**

FOR VOTE - Unanimous

a5 [NOR-Cr Longland, Cr Holdom, Cr Skinner, Cr Youngblutt, Cr Polglase Cr van Lieshout] General Manager Recruitment

NOTICE OF RESCISSION

19

**Cr B Longland
Cr P Youngblutt**

RESOLVED that the Council Resolution from the Extraordinary Council Meeting held on 22 November 2011 at Minute No 725 [GM-CM] General Manager Recruitment - being:

"

4. Determines the make up of the selection panel as being the full Council, together with McArthur Consulting.

..."

be rescinded.

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

b5 [NOM-Cr Longland] Recruitment of General Manager.

NOTICE OF MOTION:

20

Cr B Longland
Cr P Youngblutt

RESOLVED that the make up of the Selection Panel for the recruitment of the General Manager will be Councillors Longland, Youngblutt, van Lieshout, Skinner, Polglase and Holdom together with McArthur Consulting.

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

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 6 [PR-CM] Kings Forest Stage 1 Project Application and Amendment 2 to the Concept Plan - Council's Submission to the NSW Department of Planning and Infrastructure

This item was dealt with earlier in the meeting at Minute No 13.

- 7 [PR-CM] Major Project Development Application DA09/0527 for a 85 Lot Residential Subdivision (MP05_0198) at Lot 1 DP 134787, Lot 1 DP 167380 and Lot 2 DP 961928 Walmsleys Road and Lot 5 DP 1117326 Stott Street, Bilambil Heights

21

Cr W Polglase
Cr K Skinner

RESOLVED that Council endorses the attached submission to the Department of Planning on the Major Project Application for a 85 lot residential subdivision (MP05_0198) at Lot 1 DP 134787, Lot 1 DP 167380 and Lot 2 DP 961928 Walmsleys Road and Lot 5 DP 1117326 Stott Street, Bilambil Heights and forwards it to the Coastal Assessment Branch of the Department of Planning.

Cr W Polglase left the meeting at 03:49 PM.

The Motion was **Carried**

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

Cr W Polglase has returned from temporary absence at 03:51 PM

- 8 [PR-CM] Class 1 Appeal - Development Application DA10/0295 for a Telecommunications Facility at Lot 7306 DP 1132011; No. 37 Boxsell Road, Limpinwood

22

Cr D Holdom
Cr J van Lieshout

RESOLVED that Council, in respect of its decision to refuse Development Application DA10/0295 for a telecommunications facility at Lot 7306 DP 1132011; No. 37 Boxsell

Road, Limpinwood, engages its solicitors to defend a related Class 1 appeal lodged by the applicant in the NSW Land and Environment Court.

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**

**9 [PR-CM] Unauthorised Activity - Poultry Farm at Lot 1 DP 881996 No. 576
Cudgen Road, Cudgen**

23

**Cr K Skinner
Cr K Milne**

RESOLVED that Council, in respect of the unauthorised poultry farm and associated sheds on premises known as No. 576 Cudgen Road, Cudgen (Lot 1 DP 881996):

1. Defers contempt of Court proceedings from the recent orders issued in respect of the judgement made by Justice Sheahan in the NSW Land and Environment Court, to provide the owner of the site the opportunity to remove all existing chickens on the site to another suitable location by 5.00pm on 15 February, 2012; and
2. Council officers provide a further report to Council's Meeting of 21 February 2012, informing Council of the progress of the owner's proposed actions, and any subsequent actions required to satisfy the Order referred to in Point 1.

Cr P Youngblutt left the meeting at 03:53 PM

Cr P Youngblutt has returned from temporary absence at 03:54 PM

The Motion was **Carried**

FOR VOTE - Unanimous

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

24

**Cr K Skinner
Cr K Milne**

RESOLVED that Council notes the December 2011 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

11 [CNR-CM] Temporary Regulation of Traffic - Kellehers Road Pottsville

25

**Cr K Milne
Cr K Skinner**

RESOLVED that Council:

1. Under Section 122 of the Roads Act 1993, regulates the traffic on Kellehers Road, Pottsville by means of a temporary gated structure.
2. Advertises the regulation of traffic on Kellehers Road, Pottsville in the Tweed Link.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [CNR-CM] Northern Rivers Catchment Management Authority - Plan Development - Biodiversity and Connectivity in the Upper Rous River Catchment

26

**Cr J van Lieshout
Cr K Milne**

RESOLVED that Council accepts the Northern Rivers Catchment Management Authority Plan Development Grant - Biodiversity and Connectivity in the Upper Rous River Catchment for the amount of \$4,200 (excl. GST) and votes the expenditure.

The Motion was Carried

FOR VOTE - Unanimous

13 [CNR-CM] River Health Grant Program Implementation 2011/2012 Financial Year

27

**Cr J van Lieshout
Cr K Milne**

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

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Biodiversity Grant Program Implementation 2011/2012 Financial Year

28

**Cr J van Lieshout
Cr K Milne**

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

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Six Yearly Review of the Integrated Water Cycle Management Strategy

29

**Cr J van Lieshout
Cr K Milne**

RESOLVED that Council commences a review and updates the existing Integrated Water Cycle Management Strategy in accordance with the approach outlined in this report.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Cabarita Youth Service

30

**Cr J van Lieshout
Cr K Milne**

RESOLVED that Council supports the Cabarita Youth Services to:

1. Establish a co-location service delivery model for the delivery of services over the next 12 months.
2. Make appropriate storage arrangements for equipment over the next 12 months.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Home and Community Care (HACC) 2011/2012 Indexation

31

**Cr J van Lieshout
Cr P Youngblutt**

RESOLVED that Council accepts the 2011/2012 Indexation Payment from Family and Community Services, Ageing Disability and Home Care of \$33,137 and votes the expenditure in accordance with the funding agreement and in reference to letters dated 11 and 21 November 2011 from Family and Community Services.

Cr P Youngblutt left the meeting at 04:09 PM

Cr P Youngblutt has returned from temporary absence at 04:10 PM

Cr W Polglase left the meeting at 04:10 PM

Cr W Polglase has returned from temporary absence at 04:12 PM

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

18 [EO-CM] Poisoned Tree - Shady Lane

32

**Cr D Holdom
Cr W Polglase**

RESOLVED that:

1. Council removes the signs from the poisoned tree located in Shady Lane, Banora Point.
2. The stump remains for a further 12 months from 24 January 2012 and a report be bought back to Council as to an approximate cost after this time to consider its removal.

Cr K Skinner left the meeting at 04:19 PM

Cr K Skinner has returned from temporary absence at 04:20 PM

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***

19 [EO-CM] Park Naming - Junction Park

33

**Cr J van Lieshout
Cr D Holdom**

RESOLVED that Council names the park in Government Road, Tumbulgum "Junction Park" and erects signage.

Cr D Holdom left the meeting at 04:23 PM

The Motion was **Carried**

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

20 [EO-CM] Park Naming - Wharf Park

34

**Cr J van Lieshout
Cr D Holdom**

RESOLVED that Council calls for comment regarding the naming of the park under the fig tree, opposite the Murwillumbah Civic Centre 'Wharf Park' in accordance with Council's park naming guidelines.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr D Holdom

Cr D Holdom has returned from temporary absence at 04:26 PM

21 [EO-CM] Chinderah Bay Drive Foreshore Masterplan

35

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Endorses the Landscape Concept Plans for the Chinderah Foreshore Upgrade, as exhibited.
2. Reallocates a total of \$225,000 in the adopted Infrastructure Program 2011/2012 from the Chinderah Bay Drive foreshore upgrade (Wommin Bay Road to Chinderah Road) to fund additional cost of the roundabout and associated realignment works at the intersection of Chinderah Bay Drive and Wommin Bay Road.
3. Brings forward a report identifying where \$225,000 can be sourced for the completion of the Chinderah Foreshore Upgrade.

Cr J van Lieshout left the meeting at 04:34 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

ABSENT. DID NOT VOTE - Cr J van Lieshout

22 [EO-CM] Update to Generic Plan of Management for Community Land Categorised as a Sportsground

36

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that pursuant to the provisions of Section 36 of the Local Government Act 1993:

1. The updated Draft Generic Plan of Management for Community Land Categorised as a Sportsground be placed on exhibition for 28 days allowing a submission period of 42 days.
2. During the exhibition and submission period, a public meeting is to be held in respect of the plan.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

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

37

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Approves Draft Section 94 Plan No 23 – Offsite Parking (Version 2.2) as exhibited to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;
2. Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 2.2 of the Plan (CP 23) comes into effect on the date of the notice.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

24 [EO-CM] Amendment to Section 94 Plan No. 7 - West Kingscliff

38

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Approves Draft S94 Plan No 7 – West Kingscliff Version 6.1 (CP7) as exhibited to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;
2. Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 6.1 of the Plan (CP7) comes into effect on the date of the notice.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

27 [EO-CM] Acquisition of Easement for Services - Glencoe Road, North Arm

39

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council approves the creation of an Easement for Services 9 wide and Variable within Lot 23 in DP 843034; and
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

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

40

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council advertises its intention to lease Lot 283 in DP 873663 and Lot 465 in DP 1144944 at Henry Lawson Drive, Terranora to Tennis Terranora Inc for a term of ten years with an option of a further ten years.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

29 [EO-CM] Acquisition of Proposed Easement for Underground Powerlines Variable Width within Lot 1 DP 780163 - Arkinstall Park, Sullivan Street, Tweed Heads South and Lot 34 DP 258723 - Blundell Estate Park, Amber Road, Tweed Heads South

41

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Approves the acquisition of Easement for Underground Powerlines Variable Width within Lot 1 DP 780163 at Arkinstall Park, Sullivan Street Tweed Heads South by Essential Energy.
2. Approves the acquisition of Easement for Underground Powerlines Variable Width within Lot 34 DP 258723 at Blundell Estate Park, Amber Road Tweed Heads South by Essential Energy.
3. Approves the quantum of compensation payable for the acquisitions from Council.
4. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

30 [TCS-CM] Audit Committee Independent Member Representation

42

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. The appointment of Mr Colin Wight as an independent member of the Audit Committee for the duration of this Committee's term be endorsed;
2. The appointment of a replacement alternate independent member of the Audit Committee be dispensed with at this stage and be incorporated into the calling for independent member representatives following the September 2012 Local Government General Election; and
3. Mr Warren Buntine be thanked for his input and efforts applied to the Audit Committee in the role of independent member since the Committee's inception in 2006.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout***

Cr J van Lieshout has returned from temporary absence at 04:38 PM

25 [EO-CM] Amendment to Section 94 Plan No. 4 - Tweed Road Contribution Plan

43

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Approves Draft S94 Plan No 4 – Tweed Road Contribution Plan Version 6 as exhibited to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;
2. Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 6 of the Plan (CP4) comes into effect on the date of the notice.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [EO-CM] Lease to Telstra - Depot Road, Kings Forest - Lot 1 in DP 397082

44

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council approves entering into a lease with Telstra Corporation Limited for an area of approximately 33 m² at the Depot Road Sportsfield at Kings Forest being part of Lot 1 in DP 397082 for a term of 5 years with 3 options for five years each commencing with a rental of \$10,000 per annum compounding annually by 3% subject to development consent being issued for the Telstra infrastructure and subject to the terms and conditions of the lease being finalised; and
2. All necessary documentation be executed under the Common Seal of Council.

***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***

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

45

**Cr P Youngblutt
Cr K Milne**

RESOLVED that the draft "Financial Assistance to Licensed Not for Profit Animal Welfare Groups - Policy" be placed on public exhibition for 28 days, inviting public submissions for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [TCS-CM] Legal Services Register as at 30 September 2011

46

**Cr P Youngblutt
Cr K Skinner**

RESOLVED that Council receives and notes the Legal Services Register as at 30 September 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [TCS-CM] Complaint Analysis Report - 1 July to 30 September 2011

47

**Cr P Youngblutt
Cr K Skinner**

RESOLVED that Council receives and notes the Complaints Analysis Report for the period 1 July to 30 September 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 December 2011

48

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 December 2011 totalling \$155,346,012 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [TCS-CM] Local Infrastructure Renewal Scheme

49

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council:

1. Notifies the Division of Local Government of its interest in the Local Infrastructure Renewal Scheme for the general 2012/2013 Drainage Construction program and the West Kingscliff Drainage project.
2. Discusses the inclusion of the above loans in the proposed 2012/2013 budget workshops.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-EAAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 14 December 2011

50

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Equal Access Advisory Committee Meeting held Wednesday 14 December 2011 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

4. Equal Access Advisory Committee Membership Vacancy

That Council appoints Benjamin Dierikx to the Equal Access Advisory Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

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

The Reports from Subcommittees and/or Working Groups not Requiring a Council Decision was received and noted.

ORDERS OF THE DAY

38 [NOM-Cr D Holdom] Development Design Provisions of the Hastings Point Locality

NOTICE OF MOTION:

51

**Cr D Holdom
Cr K Milne**

PROPOSED that in response to the community concerns raised late last year in respect of Council's assessment of a residential development application for No. 26 Tweed Coast Road, Hastings Point:

1. The General Manager brings forward a report to Council which examines those opportunities for improving the clarity of the development design provisions of the Hastings Point Locality Based DCP Section B23, particularly as they relate to developments along Tweed Coast Road at the northern entry and at Peninsula Street, and
2. The report is to detail the applicability of the various setback and height provisions as they relate to different development types. Further, the report is to address the issue of requiring modular dwelling design as a means or solution to reducing building height in the locality and its application and practicality in the northern areas of the Hastings Point locality.

The Motion was **Lost**

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

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

39 [NOM-Cr W J Polglase] Land and Environment Court - Kingscliff Police Command Centre

NOTICE OF MOTION:

52

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that the Tweed Shire Council becomes a joint applicant with the Tweed Business and Residents Focus Group Inc in their appeal to the Land and Environment Court with reference to the determination by the NSW Joint Regional Planning Panel of the Kingscliff Police Command Centre.

The Motion was **Lost**

FOR VOTE - Cr W Polglase, Cr P Youngblutt

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

40 [NOM-Cr K Milne] Roadside Fruit and Vegetables Stalls

NOTICE OF MOTION:

53

**Cr K Milne
Cr P Youngblutt**

RESOLVED that a report be bought forward on:

1. Potential obstacles in the current policies applying to road side fruit and vegetables stalls, and
2. Appropriate recommendations to improve these policies with the aim of encouraging such activities.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

41 [NOM-Cr K Milne] Encouraging Sustainable Design

NOTICE OF MOTION:

This motion lapsed due to the lack of a seconder.

42 [NOM-Cr K Milne] Composting Toilets

NOTICE OF MOTION:

54

**Cr K Milne
Cr D Holdom**

RESOLVED that Council brings forward a report on whether encouraging composting toilets would be appropriate for this Shire in the rural or urban environment, and if so, ways to encourage this and include in Council's policies.

The Motion was **Carried**

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

43 [NOM-Cr K Milne] Albert's Lyrebird

NOTICE OF MOTION:

55

**Cr K Milne
Cr D Holdom**

RESOLVED that Council brings forward a report on the current situation for the Albert's Lyrebird and the merits of applying for this species to be listed as Endangered on the State and National Threatened species list.

The Motion was **Carried**

FOR VOTE - Unanimous

44 [NOM-Cr K Milne] Bikeway to Tweed

NOTICE OF MOTION:

56

**Cr K Milne
Cr D Holdom**

RESOLVED that Council holds a Workshop on cycleways plans for the Shire.

The Motion was **Carried**

FOR VOTE - Unanimous

45 [NOM-Cr K Milne] Dual Reticulation Kings Forest

NOTICE OF MOTION:

This motion lapsed due to the lack of a seconder.

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|--|
| Minute 61 of 21 February 2012 refers -see Disclosure of Interest on Page 5 of these minutes. |
|--|

46 [NOM-Cr K Milne] Light Rail Extension to Tweed Heads

NOTICE OF MOTION:

57

**Cr K Milne
Cr K Skinner**

RESOLVED that Council seeks urgent representations with the Cross Border Commissioner once appointed to discuss a range of issues relating to maximising benefits to the Tweed and NSW resulting from the Commonwealth Games being held in 2018, particularly around public transport issues.

Cr D Holdom left the meeting at 05:53 PM

Cr D Holdom has returned from temporary absence at 05:55 PM

The Motion was **Carried**

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

47 [NOM-Cr K Milne] Pottsville Health Centre Koala Food Tree

NOTICE OF MOTION:

This motion lapsed due to the lack of a seconder.

48 [NOM-Cr K Milne] Regional Development Australia - Community Input

NOTICE OF MOTION:

This motion lapsed due to the lack of a seconder.

49 [NOM-Cr K Milne] Tweed Shire Murals Concept

NOTICE OF MOTION:

58

**Cr K Milne
Cr B Longland**

PROPOSED that Council:

1. Supports the concept of creating a new tourism attraction by encouraging extensive use of murals throughout the Shire depicting the natural features of the Caldera, and
2. Brings forward a report on how this could be facilitated.

Cr K Skinner left the meeting at 05:59 PM

Cr K Skinner has returned from temporary absence at 05:59 PM

The Motion was **Lost**

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

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

50 [NOM-Cr K Milne] Road Conditions Tweed Heads

NOTICE OF MOTION:

This motion lapsed due to the lack of a seconder.

QUESTIONS ON NOTICE

Nil.

CONFIDENTIAL COMMITTEE

59

Cr P Youngblutt
Cr K Skinner

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

The Motion was **Carried**

FOR VOTE - Unanimous

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

1 [GM-CM] Murwillumbah Cattle Saleyards - Lease Arrangements

REASON FOR CONFIDENTIALITY:

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

That Council:

1. Authorises the General Manager to negotiate the sale of the Murwillumbah Cattle Saleyards as a going concern.
2. Offers the current lessee an extension of nine (9) months to 21 October 2012 to allow Council time to undertake the sale process.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

2 [PR-CM] Breach of Legislation, Tweed River Hacienda Caravan Park

REASON FOR CONFIDENTIALITY:

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

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

C 3

That:

1. Council seeks further legal advice in respect to the possibility of obtaining fines and court orders against the owner and/or the holder of the Approval issued under Section 68 of the Local Government Act for the operation of the Tweed River Hacienda Caravan Park for breaches of the Approval to Operate issued for the caravan park, the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and Council's Policy "Unregistrable Moveable Dwellings and Annexes on Flood Liable land" dated 13 November 2007.
2. Subject to legal advice being obtained, legal proceedings are instigated against the owner and/or the holder of the Approval issued under section 68 of the Local Government Act for the operation of the Tweed River Hacienda Caravan Park for breaches of the Approval to Operate issued for the caravan park, the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and Council's Policy "Unregistrable Moveable Dwellings and Annexes on Flood Liable land" dated 13 November 2007.

The Motion was **Carried**

FOR VOTE - Unanimous

60

Cr D Holdom
Cr K Skinner

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.03pm.



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

Chairman

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