



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 20 September 2011

held at Murwillumbah Cultural and Civic Centre
commencing at 3.30pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 3.50pm.

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 Michael Chorlton (Acting Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & 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, Fr David Gilbey.

Let us pray.

Lord God,

*Look with love on the people of this community and keep them safe in your service
Guide the members of this Council under their renewed leadership and help them to
work together for the good of all.*

*Bless and guide their plans and deliberations both in fairness and justice seeking only
to bring peace, hope and prosperity to all who make up the community of the Tweed
Shire.*

*We ask this through Christ our Lord,
Amen.*

DRAWING OF 2011/2012 RATES INCENTIVE SCHEME

The Rates Incentive Scheme is a small but integral component of Councils overall rate recovery policy, approximately 6000 ratepayers paid their rates in full for 2011/2012 Rating year.

The early payment of rates in full provides Council with an increase in its cash flow, enabling Council to create additional revenue from investments; this additional revenue is used to provide increased funding for services:

- First Prize for the 2011/2012 Rates Incentive Scheme is a Sustainable Homes package valued at \$3000.00 which is won by **Mr John Thomson and Mrs Margaret Blacker-Thomson**
- Second Prize for the 2011/2012 Rates Incentive Scheme is a Sustainable Homes package valued at \$2000.00 which is won by **Mr John and Mrs Meredith Pumpurs**
- Third Prize for the 2011/2012 Rates Incentive Scheme is a Sustainable Homes package valued at \$1000.00 which is won by **Mrs Patricia M Fahey**

Each Sustainable Home package can be tailored to suit, choose from items such as solar power, solar hot water, rainwater tanks, awnings, landscaping etc.

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of Minutes of the Ordinary and Confidential Meetings held Tuesday 16 August 2011

513

**Cr D Holdom
Cr K Milne**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 16 August 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

Cr P Youngblutt declared non-significant non-pecuniary Interest in Item 6 - [PR-CM]Department of Planning Application MP06_0153 at Lot 156 DP 628026 Creek Street, Hastings Point for a 45 Lot Residential Subdivision (Council Reference DA10/0228) and advised that he would take no part in the discussion or voting.

The nature of the interest is that Cr P Youngblutt has a brother who lives on the property and works for the proponent.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR-CM] Schedule of Outstanding Resolutions

This item was received and noted.

MAYORAL MINUTE

3 [MM] Mayoral Minute for the Period 3 August to 2 September 2011

514

Cr B Longland

RESOLVED that:

1. The Mayoral Minute for the period 3 August to 2 September 2011 be received and noted.
2. It is also noted that:
 - Cr Milne attended the Koala Committee meeting on 18 August 2011; and
 - Cr Longland attended the Murwillumbah Chamber of Commerce Breakfast on 5 August 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

4 [GM-CM] World Heritage Rainforest Centre - Green Cauldron Panorama

515

Cr D Holdom
Cr K Skinner

RESOLVED that Council endorses the allocation of \$35,000 to Destination Tweed from the World Heritage Rainforest Centre Redevelopment Fund to fund the Green Cauldron Panorama proposal.

The Motion was **Carried**

FOR VOTE - Unanimous

5 [GM-CM] Legal Matters - Terry Patrick Sharples -v- Minister for Local Government and others

516

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council takes all appropriate legal action available to enforce:

1. The judgement of the District Court of NSW of \$134,058.07 against Mr Terry Patrick Sharples (reference 2011/00264829 made on 17 August 2011) and any necessary documentation be executed under the Common Seal of Council.
2. The order for costs made by The High Court of Australia (reference S311/210 made on 12 August 2011).
3. ATTACHMENT 4 is CONFIDENTIAL in accordance with Section 10A(2)(g) 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 Motion was **Carried**

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 6 **[PR-CM] Department of Planning Application MP06_0153 at Lot 156 DP 628026; Creek Street, Hastings Point for a 45 Lot Residential Subdivision (Council Reference DA10/0228)**

DECLARATION OF INTEREST

Cr P Youngblutt declared non-significant non-pecuniary Interest in this item, left the Chamber at 04:05 PM and took no part in the discussion or voting. The nature of the interest is that Cr P Youngblutt has a brother who lives on the property and works for the proponent.

517

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council endorses the contents of this report relating to Major Project Application MP06_0153 at Lot 156 DP 628026, Creek Street, Hastings Point and that a copy of this report (which recommends the application be refused) be forwarded to the NSW Department of Planning and Infrastructure for their consideration.

The Motion was **Carried**

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

Cr P Youngblutt has returned from temporary absence at 04:08 PM

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

518

**Cr D Holdom
Cr W Polglase**

RESOLVED that:

1. Council endorses the public exhibition of Planning Proposal (PP10/0001) for a change of land-use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G, at Lot 10 DP 1084319 Parkes Drive Tweed Heads West in accordance with point No.2 of this recommendation, subject to Council officers receiving prior advice from the NSW Roads and Traffic Authority and Council's Heritage Consultant in support of the Draft LEP Amendment described in this report;

2. Draft Tweed Local Environmental Plan 2000 – Amendment No. 93 – Boyds Bay Garden World Site, (Planning Proposal PP10/0001) for a change of land use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G at Lot 10 DP 1084319 Parkes Drive Tweed Heads West be publicly exhibited for a minimum period of 28 days, in accordance with the Gateway Determination dated 6 September 2010 and clause 57 of the *Environmental Planning and Assessment Act 1979*; and,
3. Following public exhibition any public submission received in respect of the Draft Amendment No.93 is to be reported to Council along with any proposed amendments.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

8 [PR-CM] Tree Preservation Order Application/Compliance Assessment - Lot 1 DP175234 and Lot 1 DP781511 No. 93 Parkes Lane, Terranora

519

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council endorses the following actions in respect of recent vegetation removal on the premises at Lot 1 DP 175234 and Lot 1 DP 781511, No. 93 Parkes Lane, Terranora:

1. Compliance action not be pursued for the tree removal undertaken;
2. The owners of the site be advised that cover must be established immediately over exposed soil areas to prevent erosion and potential compliance action under the Protection of the Environment Operations Act;
3. The Tree Preservation Order (TPO) application submitted to Council on 26 July 2011 be refused on the basis that the significance of the impact on threatened species, populations and ecological communities has not been assessed; and
4. The applicants of the TPO be advised in writing that, if Camphor Laurel removal throughout the property is to be pursued, a Development Application is required which specifies best-practice weed control methods and is accompanied by a flora and fauna assessment detailing how impacts are to be minimised.

The Motion was **Carried**

FOR VOTE - Unanimous

- 9 **[PR-CM] Defence of a Class 1 Appeal Lodged in the NSW Land and Environment Court Against Council for the Deemed Refusal of Construction Certificate Application CC10/0391: for Excavation of a Lake and Construction of Three Islands as Part of Tourist Resor**

520

Cr D Holdom
Cr K Milne

RESOLVED that Council notes the information provided in this report and endorses the engagement of Council's solicitors to defend the Class 1 Appeal in the NSW Land and Environment Court, on the basis of a deemed refusal, in respect of the undetermined construction certificate application CC10/0391 lodged with Council for the excavation of a lake and construction of three islands as part of tourist resort at Lot 1 DP 408972; Lot 1 DP 779817; No. 440 Wooyung Road Wooyung.

The Motion was **Carried**

FOR VOTE - Unanimous

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

521

Cr K Milne
Cr D Holdom

RESOLVED that Council notes the August 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] Submission on Clean Energy (Exhibition) Bill 2011**

522

Cr D Holdom
Cr W Polglase

RESOLVED that Council receives and notes the report on the Submission on Clean Energy (Exhibition) Bill 2011.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

12 [CNR-CM] EC2011-139 Alternative Landfill Cover Stotts Creek Resource Recovery Centre

523

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. The tender from WasteWell Pty Ltd for tender EC2011-139 Alternative Landfill Cover Stotts Creek Resource Recovery Centre be accepted to the value of \$215,272.73 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 A is CONFIDENTIAL in accordance with Section 10A(2)(c) or 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (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

13 [CNR-CM] Northern Rivers Food Links - \$5000

524

**Cr D Holdom
Cr K Milne**

RESOLVED that Council:

1. Endorses acceptance of the \$5000 Food Links grant for delivery of a Tweed Shire Council bus tour of community gardens and associated capacity building actions around local food.
2. Votes the expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Northern Rivers Catchment Management Authority Sustainable Floodplain Farming: Tweed - Contract No. NR-IS11-12-AT2

525

**Cr D Holdom
Cr K Milne**

RESOLVED that Council:

1. Accepts the Northern Rivers Catchment Management Authority Sustainable Floodplain Farming: Tweed - Contract No. NR-IS 11-12-AT2 of \$64,000 as part of Sustainable Agriculture Program.
2. Votes the income and expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

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

526

**Cr D Holdom
Cr K Milne**

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

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Biodiversity Grants Program Implementation 2011-2012 Financial Year

527

**Cr D Holdom
Cr K Milne**

RESOLVED that Council approves the expenditure under the Biodiversity Grant Program to assist the private landowners to undertake the projects listed in the table contained within the report.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Offer of Investigative Licence for Sand Extraction Tweed River

528

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Accepts the licence from Land and Property Management Authority for site investigation of Tweed River Area 5 for the undertaking of feasibility studies on proposed extraction of sand for replenishment of Kingscliff Beach.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

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

18 [CNR-CM] Offer of Assistance from NSW Government for Kingscliff Foreshore Protection Stage 2

529

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council accepts the financial assistance of up to \$75,000 from the Office of Environment and Heritage Coastal Management Program on a dollar for dollar basis for Stage 2 of the Kingscliff Beach Foreshore Protection project, being completion of an Environmental Impact Study for sand extraction from the Tweed River and pipeline route to Kingscliff Beach for the purpose of sand nourishment.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Interim Report - Tender EC2011-134 Preliminary Operations Design and Environmental Impact Statement for Tweed River Area 5 Dredging and Sand Delivery Pipeline

This item was dealt with in conjunction with Item a19 (Minute No. 531 refers).

a19 [CNR-CM] Tender EC2011-134 Preliminary Operations Design and Environmental Impact Statement for Tweed River Area 5 Dredging and Sand Delivery Pipeline

LATE ITEM

530

Cr D Holdom
Cr W Polglase

RESOLVED that Item a19 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

531

Cr D Holdom
Cr W Polglase

RESOLVED that:

1. The tender from Kellogg Brown & Root Pty Ltd for EC2011-134 Preliminary Operations Design and Environmental Impact Statement for Tweed River Area 5 Dredging and Sand Delivery Pipeline be accepted to the value of \$142,340 inclusive of GST.
2. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

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

20 [CNR-CM] Coastal Hazards - Tweed Development Control Plan Section B25

Cr D Holdom
Cr K Milne

PROPOSED that Council adopts:

1. The Coastal Hazards - Tweed Development Control Plan Section B25.
2. The updated Tweed Coastal Hazard Lines for 2050 and 2100 finalised by the Water Research Laboratory in August 2010 for the purposes of coastal risk management within its strategic and statutory land-use planning, in areas susceptible to coastal erosion hazard.

532

AMENDMENT

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council defers this item to the November Council meeting and conducts a Workshop on Coastal Hazards - Tweed Development Control Plan Section B25, in conjunction with consideration of Council's Tweed Coast Holiday Parks Reserve Trust properties affected by coastal hazard lines.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 532 refers)

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

21 **[CNR-CM] Establishment of Volunteer River Bank Clean Up Groups**

533

Cr D Holdom
Cr P Youngblutt

RESOLVED that the report on the Establishment of Volunteer River Bank Clean Up Groups be received and noted.

534

AMENDMENT

Cr K Milne
Cr K Skinner

PROPOSED this item be deferred for referral to the Tweed River Committee for further consultation and report back to Council.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 533 refers)

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

22 [CNR-CM] Licence Agreement for Occupation of Crown Land - Knox Park for Construction of Community Centre

535

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Approves entering into a licence agreement with the Minister for Primary Industries for the purposes of construction within Knox Park being Crown Reserve 540095 for a term of two years.
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

a22 [CNR-CM] Murwillumbah Community Centre Grant Funding

LATE ITEM

536

Cr W Polglase
Cr P Youngblutt

RESOLVED that Item a22 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

537

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Accepts the grant funds of \$1,500,000 (exclusive of GST) offered from the Community Infrastructure Grants Program for the Murwillumbah Community Centre.
2. Votes the expenditure as part of the 2011/2012 budget.
3. Executes the Funding Agreement under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

23 **[CNR-CM] Interim Report - EC2011-123 Construction of the New Murwillumbah Community Centre**

538

Cr K Skinner
Cr D Holdom

RESOLVED that the interim report regarding Tender EC2011-123 Construction of the new Murwillumbah Community Centre be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

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

539

Cr P Youngblutt
Cr K Milne

RESOLVED that Council endorses the waiver of fees to the amount of \$702.50 for the provision of the HACC Centre at South Tweed Heads for meetings and training activities on 8 February, 14 March, 11 April, 9 May, 13 June, 11 July, 8 August, 12 September, 10 October, 14 November and 12 December 2012 and the South Tweed Heads Community Hall for special activities on 16 and 24 May 2012, and the Tweed Heads Civic Centre on 21 March 2012 for the Seniors Week Rock 'n' Roll Exhibition to the Twin Towns Friends Association as per the adopted Facility Hire and Use Policy

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

The Motion was **Carried**

FOR VOTE - Unanimous

25 [CNR-CM] Tweed River Art Gallery - Proposed Café Extension

540

Cr D Holdom

Cr J van Lieshout

RESOLVED that Council:

1. Supports the proposal from the Tweed River Art Gallery Foundation for it to fully fund the modest improvement to the Galley Café as detailed in the report.
2. Proceeds with the options assessment, concept and detailed design of the proposal.
3. Votes the expenditure of \$5000 for this phase of the project.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CNR-CM] Water Supply Demand Management Strategy - Tweed Shire Council Policy on Rainwater Tanks in Urban Areas

Cr W Polglase left the meeting at 05:32 PM

Cr W Polglase has returned from temporary absence at 05:34 PM

541

Cr D Holdom

Cr J van Lieshout

RESOLVED that Council:

1. Adopts the revised policy "Rainwater Tanks in Urban Areas - Version 2.1" incorporating amendments arising from public exhibition.
2. Staff provides a further report regarding rainwater tanks for non-residential water users once investigations into the top 20 water audits have been completed.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [CNR-CM] Impact of BASIX Outcomes on Council's Demand Management Strategy

542

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Notes the key findings/outcomes reported by BASIX and that the BASIX five year outcomes suggest that the modelling which underpins the Demand Management Strategy is sound and the water saving targets are achievable.
2. Continues to liaise with Rous Water regarding a study of BASIX and its relevance to the Tweed.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [CNR-CM] EC2009-055 Water and Sewerage In-house Consultancy - Extension of Contract

Cr P Youngblutt left the meeting at 05:45 PM

543

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council approves the extension of the agreement between Council and Montgomery Watson Harza for Contract EC2009-055 for the optional two year period.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr P Youngblutt

Cr D Holdom left the meeting at 05:46 PM

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

29 [EO-CM] Application for Gate across Public Road Reserve - Aults Road, Uki

Cr P Youngblutt has returned from temporary absence at 05:47 PM

Cr D Holdom has returned from temporary absence at 05:47 PM

544

Cr K Skinner

Cr B Longland

RESOLVED that Council:

1. Does not grant its consent to the gates within the Council public road reserve at Aults Road, Uki.
2. In accordance with Section 107 of the Roads Act, 1993, directs the applicant to remove the obstruction within 60 days from the date of notification.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [EO-CM] Proposed Boundary Adjustment - Lots 601 and 602 in DP 1001049 Eviron Cemetery

545

Cr K Milne

Cr J van Lieshout

RESOLVED that Council signs the plan of subdivision and all other relevant documents relating to the subdivision of Lots 601 and 602 in DP 1001049 under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [EO-CM] Wilson Park Tennis Court

546

Cr D Holdom
Cr K Milne

RESOLVED that Council:

1. Seeks funding from the State Government and the Roads and Traffic Authority for replacement of the tennis court area and further embellishment of Wilson Park
2. Prepares two redevelopment plans for Wilson Park, one including a tennis court and one excluding a tennis court based on a \$100,000 budget. The two plans to be presented to the community inviting comment.
3. Liaises with the Banora Point Upgrade Alliance to coordinate the design and planning for Wilson Park in accordance with part 2 of this resolution.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [EO-CM] EC2007-032 Supply and Delivery of Bulk Fuels - Variation to Schedule A - Supplier Costs

547

Cr P Youngblutt
Cr J van Lieshout

RESOLVED that the rates as submitted for the non exclusive bulk fuel supply arrangement with Reliance Petroleum and Caltex Australia for the period 1 October 2011 until 30 September 2012 be accepted.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [EO-CM] EC2011-157 Design and Construction of Synthetic Hockey Field, Brisbane Street, Murwillumbah

This item was dealt with in conjunction with Item a33. (Minute No 548 refers)

a33 [EO-CM] EC2011-157 Design and Construction of Synthetic Hockey Field, Brisbane Street, Murwillumbah

LATE ITEM

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Item a33 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

548

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. The tender from Sports Technology International Pty Ltd be accepted to the value of \$948,809 exclusive of GST for Tender EC2011-157 Design and Construction of Synthetic Hockey Field, Brisbane Street, Murwillumbah.
2. The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (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

34 [EO-CM] Review of Classified Road Network in Tweed Shire and Section 94 Implications

549

**Cr K Skinner
Cr W Polglase**

RESOLVED that:

1. For the purpose of Road Classification, Council requests the NSW Government and Roads and Traffic Authority to
 - (a) Recognise the Lower Tweed/Tweed Coast as part of the Gold Coast Tweed, "major urban centre" (2008 population 558,900).
 - (b) Amend the definition of State Road network to:

Definition
The State Road network (including the Auslink network) is formed by the primary network of principal traffic carrying and linking routes for the movement of people and goods within the major urban centres of Sydney, Newcastle, Wollongong, Central Coast and Tweed, and throughout the State.
 - (c) Amend the definition of Regional Road Network to:

Definition
Regional Roads comprise the secondary network which together with State Roads provide for travel between smaller towns and districts and perform a sub arterial function within major urban centres of Sydney, Newcastle, Wollongong, Central Coast and Tweed.
 2. The NSW Government be requested to direct the Roads and Traffic Authority to urgently review road classifications in Tweed Shire, based on Tweed Shire being recognised as a "major urban centre".
 3. Upon reclassification, the NSW Government, through the Roads and Traffic Authority, be requested to provide appropriate funding for reclassified State and Regional Roads within Tweed Shire.
 4. Council advises the NSW Roads and Traffic Authority that it declines handover of "Sexton Hill Drive" as a "Local Road" on completion of the Banora Point Upgrade and request that given its status as an urban arterial road, that it remain classified as a "State Road".
 5. When the next state wide road classification review is conducted by the Roads and Traffic Authority, Council seeks reclassification of the Tweed Valley Way to State Road.
 6. Council seeks support of the Minister for Roads and Minister for Planning to establish a "Tweed Urban Growth Areas, Arterial Road Steering Committee"
-

consisting of representatives of the Roads and Traffic Authority, Department of Planning and Infrastructure and Council to strategically plan, identify, classify, determine standards, determine staging, source funding and oversee construction of classified roads needed to service Tweed Shire urban growth areas.

7. Council requests the support of the Minister for the North Coast, Don Page and local State Members of Parliament, Thomas George and Geoff Provest to progress the above proposals.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [EO-CM] Recommendation to Re-tender for Tender EC2011-115 for the supply of One (1) Truck Mounted Elevated Work Platform (EWP)

550

**Cr K Milne
Cr D Holdom**

RESOLVED that:

1. Council declines to accept any of the tenders received for EC2011-115 - Supply of One (1) Truck Mounted Elevated Work Platform, as the tenders received are non-compliant with either the Technical Specification or the Conditions of Contract.
2. Council re-tenders for the supply of One (1) Truck Mounted Elevated Work Platform, highlighting the minimum and maximum technical parameters required for Councils intended application.
3. ATTACHMENT A be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

FOR VOTE - Unanimous

36 [EO-CM] Easement for Underground Powerlines Two Metres Wide within Lot 66 DP 858466 - Jack Julius Park and Cudgen Foreshore Park Sutherland Street Kingscliff

551

**Cr K Skinner
Cr J van Lieshout**

RESOLVED that:

1. Council approves the acquisition of an Easement for Underground Powerlines 2 metres wide within Lot 66 in DP 858466 being Jack Julius Park and Cudgen Foreshore Park at Sutherland Street Kingscliff.
2. Council approves the quantum of compensation payable at \$30,000; and
3. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

37 [TCS-CM] Cost Shifting

552

**Cr W Polglase
Cr D Holdom**

RESOLVED that the report on Cost Shifting be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [TCS-CM] Audit Committee Charter

553

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council adopts the revised Version 1.5 of the Audit Committee Charter.

Cr P Youngblutt left the meeting at 07:40 PM

554

AMENDMENT

Cr J van Lieshout
Cr K Milne

PROPOSED that this item be deferred to undertake a Workshop on the Audit Committee Charter.

The Amendment was **Lost**

FOR VOTE - Cr J van Lieshout, Cr K Milne

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

ABSENT. DID NOT VOTE - Cr P Youngblutt

The Motion was **Carried** (Minute No 553 refers).

FOR VOTE - Cr J van Lieshout, Cr K Milne

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

ABSENT. DID NOT VOTE - Cr P Youngblutt

Cr P Youngblutt has returned from temporary absence at 07:45 PM

555

Cr J van Lieshout
Cr K Skinner

RESOLVED that Cr J Van Lieshout be the replacement Councillor delegate on the Audit Committee.

The Motion was **Carried**

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

AGAINST VOTE - Cr D Holdom

39 [TCS-CM] Transactional Banking

556

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council exercises its option to extend its Transactional Banking Contract signed on 24 February 2007 for a further period of two (2) years and accepts the Commonwealth Bank's proposed fee structure for that period being from 1 January 2012 to 31 December 2013.
2. The General Manager signs the Transactional Banking Contract under delegation on behalf of Tweed Shire Council.
3. ATTACHMENT 2 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

40 [TCS-CM] Monthly Investment Report for Period Ending 31 August 2011

557

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 August 2011 totalling \$163,117,431 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

41 [TCS-CM] Legal Services Register as at 30 June 2011

558

Cr J van Lieshout
Cr W Polglase

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

The Motion was **Carried**

FOR VOTE - Unanimous

a41 [TCS-CM] Microsoft Enterprise Agreement

559

Cr D Holdom
Cr K Milne

RESOLVED that Council, in accordance with Clause 163 of the Local Government (General) Regulation 2005, and Section 55(3) of the Local Government Act 1993, approves the new Microsoft Enterprise Agreement provided by Corporate Express to the value of \$566,404.68 (excluding GST), annualised over three (3) years, and that all documentation be completed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

42 [SUB-KOG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 26 July 2011

560

Cr D Holdom
Cr K Skinner

RESOLVED that the:-

1. Minutes of the Tweed Coast Koala Advisory Group Meeting held Tuesday 26 July 2011 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

9. Dogs at Black Rocks Sports Field

"That Council officers bring forward a report on the implications of Council excluding dogs from Black Rocks Sports Field and access road."

The Motion was **Carried**

FOR VOTE - Unanimous

43 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 18 August 2011

561

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 18 August 2011 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

A2 [LTC] Nullum Lane, Murwillumbah

"That 'No Parking' signage be installed on the western side of Nullum Lane opposite the existing rear property accesses."

A3 [LTC] Turnock Street and Elrond Drive, Kingscliff

"That:

1. *'No Stopping' signage be installed on the eastern side of Turnock Street South of the Kingscliff Shopping Centre to the Elrond Drive roundabout.*
2. *Ranger enforcement be requested in relation to vehicles parked on the Cycleway adjacent to the Library on Turnock Street."*

A4 [LTC] Proudfoots Lane - Exit from TAFE

"That 'No Stopping' signage be installed in Proudfoots Lane in the vicinity of the TAFE 'exit' driveway."

A5 [LTC] Pearl Street, Kingscliff

"That:

- 1. A 30 minute parking zone be created along the frontage of 11 - 13 Pearl Street Kingscliff.*
- 2. 2 Hour parking zones be created in all other areas along Pearl Street Kingscliff between Seaview Street and the western boundary of No. 38 - 42 Pearl Street not affected by existing bus or loading zones or 'No Stopping' or 'No Parking' zones."*

A6 [LTC] Banner and Murwillumbah Streets, Murwillumbah

"That:

- 1. 'No Stopping' signs be installed at the intersection of Banner Street with Murwillumbah Street.*
- 2. The Police School Liaison Officer be requested to advise Mt St Patrick's College of parking changes in Banner Street and Murwillumbah Street."*

A8 [LTC] Wollumbin Street, Murwillumbah

"That subject to approval of Development Application DA11/0307, and associated conditions of consent, the Committee supports:

- 1. The provision of regulatory parking signage to create two spaces for taxi use only, on the Wollumbin Street frontage to Sunnyside Mall, Murwillumbah.*
- 2. Reconfiguration of the Sunnyside Mall car park, being a road related area, including the implementation of time restricted parking provisions over new car parking areas."*

The Motion was **Carried**

FOR VOTE - Unanimous

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

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

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 August 2011 (ECM37936430)
2. Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 August 2011 (ECM 37939685)

3. Minutes of the Tweed River Committee Meeting held Wednesday 10 August 2011 (ECM38286572)
4. Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 17 August 2011 (ECM 38085719)

ORDERS OF THE DAY

45 [NOM-Cr P Youngblutt] Policy - Donations

NOTICE OF MOTION:

562

Cr P Youngblutt
Cr K Milne

RESOLVED that Council requests that a donations policy to provide funding for not for profit groups that are licensed to provide care and rehabilitation for injured native wildlife, be developed and brought forward to the November 2011 Council Meeting for consideration by Council.

The Motion was **Carried**

FOR VOTE - Unanimous

46 [NOM-Cr W Polglase] Regional Development Australia Fund

NOTICE OF MOTION:

563

Cr W Polglase
Cr D Holdom

RESOLVED that Council signals its intent to resubmit its application for funding for the Arkinstall Park Sports Complex to be considered at the next round of funding from the Regional Development Australia Fund.

The Motion was **Carried**

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

47 [NOM-Cr D Holdom] Council Meetings in February

NOTICE OF MOTION:

564

**Cr D Holdom
Cr K Skinner**

PROPOSED that Section 1.1.2 of the Code of Meeting Practice be amended to reflect that the Council holds its monthly February Meeting at the Tweed Civic Centre Auditorium commencing at 3.30pm

565

AMENDMENT

**Cr K Milne
Cr J van Lieshout**

PROPOSED that consideration of this matter be deferred for discussions at a Workshop.

The Amendment was **Lost**

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

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

The Motion was **Lost** (Minute No 564 refers)

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

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

48 [NOM-Cr D Holdom] Code of Meeting Practice - Community Access

NOTICE OF MOTION:

566

**Cr D Holdom
Cr K Skinner**

PROPOSED that Section 2 of 13.1 Community Access of the Code of Meeting Practice be amended to reflect the following changes to where Community Access is held:

January	Murwillumbah
February	Tweed Heads
March	Murwillumbah
April	Kingscliff
May	Murwillumbah

June	Pottsville
July	Murwillumbah
August	Tweed Heads
September	Murwillumbah
October	Kingscliff
November	Murwillumbah
December	Pottsville

567

AMENDMENT

Cr K Milne

Cr J van Lieshout

PROPOSED that consideration of this matter be deferred for discussions at a Workshop.

The Amendment was **Lost**

FOR VOTE - Cr J van Lieshout, Cr K Milne

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

The Motion was **Lost** (Minute No 566 refers)

FOR VOTE - Cr K Skinner, Cr D Holdom

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

49 [NOM-Cr J van Lieshout] Application for Business Development

Cr D Holdom left the meeting at 08:34 PM.

Cr D Holdom has returned from temporary absence at 08:36 PM.

NOTICE OF MOTION:

568

Cr J van Lieshout

Cr K Skinner

PROPOSED that

1. Council staff conducts an analysis of the costs of respective fees to be incurred in relation to all applications for business development in comparison with the Gold Coast City Council and Tweed Shire Council.

2. A report to be provided through a Workshop with Council and Destination Tweed with a view to respond to the need to create more attractive financial outcomes in developing new business within the region.

The Motion was **Lost**

FOR VOTE - Cr J van Lieshout

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

50 [NOM-Cr J van Lieshout] Coal Seam Gas Inquiry

NOTICE OF MOTION:

569

Cr J van Lieshout

Cr W Polglase

RESOLVED that:-

1. Tweed Shire Council joins other Northern Rivers councils in appearing at the Inquiry on Coal Seam Gas Mining being conducted by the NSW Parliament Upper House on 21 September 2011 at the "House With No Steps" in Alstonville, commencing at 1.15pm; and
2. Councillor Joan van Lieshout and a senior staff member, as nominated by the General Manager, attend and represent Tweed Shire Council

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

51 [NOM-Cr K Milne] Drop In Centre

NOTICE OF MOTION:

570

Cr K Milne

Cr B Longland

PROPOSED that Council provides greater assistance in facilitating an appropriate drop in centre.

The Motion was **Lost**

FOR VOTE - Cr K Milne

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

52 [NOM-Cr K Milne] Affordable Housing

NOTICE OF MOTION:

The Motion lapsed due to the lack of a seconder.

53 [NOM-Cr K Milne] Tweed City Centre Local Environment Plan Extension of Exhibition Period

NOTICE OF MOTION:

The Motion lapsed due to the lack of a seconder.

QUESTIONS ON NOTICE

54 [QoN-Cr D Holdom] Clarification of 100 Year Flood Level Over 2100 Coastal Hazard Line

QUESTION ON NOTICE:

Councillor D Holdom asked would the General Manager or his delegate explain the difference between the 100 Year Flood and the 2100 Coastal Hazard Line for the wider community.

The Director Engineering and Operations responded that the 2100 Coastal Hazard Line is a line shown on maps of the coastline that is the most likely location of the coastline in the year 2100 as a result of natural erosion process and sea level rises.

A 1 in 100 year flood is generally known as a 1% flood and a flood level that has a 1% chance in each year of occurring. Therefore the major differences in the measures are the coastal hazard line is a line on the map and the 1 in 100 year flood is the probability of a flood event and is expressed as a level.

55 [QoN-Cr K Milne] Greenbelt Corridor Width

QUESTION ON NOTICE:

Councillor K Milne asked what was the greenbelt corridor width provided for the northern boundary area along the Border Reserve in the original approval for Cobaki Lakes, particularly associated with precincts 1 and 2, compared to the width provided in the latest approval?

The Director Planning and Regulation responded that the previous consent applicable to that area is K99/1124. The relevant approved plan indicates that the urban footprint covers an area very similar to that of the recently approved Precinct 1 and 2 DA's. The urban footprint adjacent to the border is also in keeping with the current zoning and the approved Part 3A Concept Plan for Cobaki. The land between the edge of the proposed lots and the NSW/QLD border, is owned by the Land and Property Management Authority and is zoned 7 (l) Environmental Protection (Habitat).

At its narrowest point, the LPMA land is approximately 55 metres wide (between the edge of the urban development, Leda's boundary, and the border). This is approximately the same width reflected in the zoning today. Approved plans of consent K99/1124 required a fire trail between the lots and the adjoining 7(l) land of minimum 5 metres.

56 [QoN-Cr K Milne] Far North Coast Strategy - Population Levels

QUESTION ON NOTICE:

Councillor K Milne asked how and when does Council propose to ascertain the Community's Preferred Population Levels or the Shire's Environmental Carrying Capacity, for consideration in the review of the Far North Coast Regional Strategy?

The General Manager responded that one of Council's first commitments in response to community feedback for the Tweed Community Strategic Plan, was to commit its support for any State or Federal study into preferred population levels. Any policy on "sustainable population" must be made at a Federal or State level, because it is only at this level that any controls on population numbers could be implemented.

57 [QoN-Cr K Milne] Byrrill Creek Dam/Clarrie Hall Dam

QUESTION ON NOTICE:

Councillor K Milne asked can the Councillors who voted for a new dam at Byrrill Ck, clearly specify their reasons for voting, against the staff recommendations, for expansion of the Clarrie Hall Dam?

Councillor K Skinner responded that his vote for a new dam at Byrrill Creek was not opposing the expansion of Clarrie Hall Dam. In fact I support the future expansion of Clarrie Hall Dam. I simply believe Byrrill Creek Dam should be built first.

The land Council purchased in the area of Byrrill Creek was for the specific purpose of building a dam. Building Byrrill Creek dam is a stand alone project with no interference on our present water supply. Byrrill Creek Dam gives Council absolute water security by providing a second water catchment which will also fill in the same rain event.

The many threatened species and aboriginal artefacts can be appropriately relocated for their long term protection. At present the expansion area for Clarrie Hall Dam is being farmed and also holds many threatened species.

Council has many years before it will be necessary to resume this land for future expansion.

A second dam at Byrrill Creek gives Council a good clean back up water supply should anything go amiss with the present supply.

58 [QoN-Cr K Milne] Survey - Community Strategic Plan

QUESTION ON NOTICE:

Councillor K Milne asked can Council provide advice from the same organisation that provided a critique of the Cabarita Residents Association on the validity of Council's survey for the Community Strategic Plan and particularly on the question that asked residents to rate their acceptance of population increases?

The General Manager responded that Woolcott Research, which provided an independent evaluation of the Cabarita community survey, also formulated and facilitated the independent phone survey for the Community Strategic Plan. It was also involved in formulating the questions for the online and printed community input during the Community Strategic Plan engagement campaign. It would be pointless to get them to assess their own survey questions, which they formulated under best practice guidelines and as part of an overall survey, which was only one method of community input to the Community Strategic Plan.

Question 1a in the survey asked residents to rank, on a scale of one to 10, the importance of a total of 12 issues, one of which was "accepting population growth". It is important to point out that through all of the avenues for community input, sustainable population was one of the leading issues that emerged in the community feedback and Council acknowledged that in the Community Strategic Plan.

59 [QoN-Cr K Milne] Extractive Activities, Cobaki

QUESTION ON NOTICE:

Councillor K Milne asked on what basis was it decided not to prosecute when it was discovered in 2007 that extractive activities were carried out at Cobaki without approval?

The Director Planning and Regulation responded that a complaint was received by Council in 2007, alleging unauthorised quarrying activity in the western part of the Cobaki site. It was also alleged that material was being exported from the site.

From the investigation at the time, Council officers identified that, whilst the proponents were carrying out excavation works generally in accordance with DA consents, concerns were raised about the scale and nature of the works, lack of environmental controls relating to the excavation activity, as well as some sub ground level excavation, which constituted a "quarry" use. Council officers were not able to substantiate claims that material was being exported from the site.

Based on Council's concerns, the proponent undertook a series of remedy actions, including improved screening for dust control, and to cease the identified "quarry" activity. Council officers advised the developer that excavated material was not to be exported from the site without appropriate approval. On the basis of the proponent's co-operation on these matters, no further enforcement actions were taken.

Since that time, it is the officers' understanding that there has been no further evidence of "quarry" activity on the site.

571

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

CONFIDENTIAL MATTERS FOR CONSIDERATION

EXCLUSION OF PRESS AND PUBLIC

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO-CM] Acquisition of Land for Road Widening - Clothiers Creek, Bogangar

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 57

That:

1. Council approves the amount of compensation to be paid to the affected landowner, as detailed in the body of the report;
2. Council votes the expenditure from the Road Land Sale Reserve and the Financial Assistance Grant – road component; and
3. All documentation is executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

572

Cr D Holdom
Cr P Youngblutt

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.20pm.



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

Chairman

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