

Minutes - Ordinary Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors L F Beck (Mayor), M R Boyd, R D Brinsmead, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, B M Luff, W M Marshall, W J Polglase, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services - until 8.25pm), Mr Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Garry Smith (Acting Director Development Services) and Mrs Meredith Smith (Minutes Secretary).

The meeting opened with a Prayer by Council's Chaplain, Father McDonald.

CONFIRMATION OF MINUTES

GC6/13 Pt4

1527

Cr Davidson

Cr Youngblutt **RESOLVED** that the Minutes of the Ordinary Meeting held 5 April 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

GC6/1/2 Pt1

Nil.

DISCLOSURE OF INTEREST

GC6/1/4 Pt1

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

1528

Cr Boyd

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

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MAYORAL MINUTE

GC6/18 Pt5

1. Proposed Membership - Australian Cities Against Drugs Drug Related Matters

1529

Cr Luff

Cr Marshall

RESOLVED that:-

1. Council does not become a member of Australian Cities Against Drugs;
2. Invites Mr Neville Newell and a police representative to assist in explaining the Young Offenders Act at a public forum.

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead

Adoption of Mayoral Minute

GC6/18 Pt5

1530

Cr Beck

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

SUSPENSION OF STANDING ORDERS

GC6/4

1531

Cr Boyd

Cr Marshall

RESOLVED that standing orders be suspended to deal with Rescission Motion No 2 and Rescission Motion No 1 of Orders of the Day and Addendum Item 6a of Reports from Director Development Services.

Voting - Unanimous

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ORDERS OF THE DAY

2. **Notice of Rescission - Cr Brinsmead, Cr Marshall and Cr Youngblutt Finalisation of Draft Section 94 Contributions Plans No. 25 and Draft Strategic Planning Policies - Kings Beach North Kings Beach Devel., Section 94 Plans, GT1/S94/25, Notice of Motion**

1532

Cr Brinsmead

Cr Marshall

RESOLVED that Council resolution at Minute No 1475 in relation to Addendum Item 13a of the Meeting held 5 April 2000 being:-

".....that:-

- A. Council re-exhibits Draft Section 94 Contribution Plan No. 25 with the following alterations:-
1. In lieu of requiring the dedication of 3.2ha of Coastal Open Space to public ownership, financial contributions be required from Lenen Pty Ltd (in relation to the development of lots 312, 301 and 194) based on the State Valuation Office valuations of 1.8ha of land zoned 7(f) Environmental Protection and 1.4ha of land zoned 2(t) Tourism.
 2. That in addition embellishment costs of that 3.2ha at \$120,000 per hectare be provided.
- B. The Director Development Services be delegated to amend the text of the Draft Section 94 Contribution Plan No. 25 to effect Part A of this resolution."

be rescinded.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

1. **Notice of Rescission - Cr Brinsmead, Cr Marshall and Cr Youngblutt Proposed Six (6) Lot Subdivision, Associated Road and Infrastructure as Staged Development Based on a Masterplan for Future Tourist Resort Complex at Lots 194, 301 and 312 DP 755701 Coast Road, South Kingscliff Kings Beach Dev, DA1180/10 Pt3, Notice of Motion**

1533

Cr Marshall

Cr Youngblutt

RESOLVED that Council resolution at Minute No 1479 in relation to Item 3 of the Meeting held 5 April 2000 being:-

".....that this item be deferred until after the re-exhibition period of the Draft Section 94 Contribution Plan No. 25."

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be rescinded.

PROCEDURAL MOTION

GC6/4

1534

Cr Youngblutt

Cr Marshall

RESOLVED that the Motion be put.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

The Motion was **Carried**

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

COMMITTEE OF THE WHOLE

GC6/16 Pt2 132

1535

Cr Polglase

Cr Youngblutt

RESOLVED that Council resolves itself into a Confidential Committee of the Whole to consider advice received from the Director-General, Department of Urban Affairs and Planning and to allow representatives from Lenen Pty Ltd to respond to questions from Councillors.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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RESUMPTION TO OPEN COUNCIL

GC6/4 308

Council resumed in Open Council.

Voting - Unanimous

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 6a. Draft Section 94 Plan No. 25 and Development Application for Subdivision and Associated Road and Infrastructure as a Staged Development Based on a Master Plan for a Future Tourist Resort Complex - Kings Beach North**

GT1/S94/25 Pt1 & DA1180/10 Pt3

1536

Cr Brinsmead

Cr Youngblutt

RESOLVED that Council resolves itself into a Confidential Committee of the Whole to receive legal advice relevant to consideration of this item and other related items.

Voting For

Cr Beck
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr James
Cr Luff

RESUMPTION TO OPEN COUNCIL

GC6/4 308

Council resumed in Open Council.

1537

Cr Brinsmead

Cr Lawrie

RESOLVED that the following letter be forwarded to the Director-General, Department of Urban Affairs and Planning:-

“I wish to advise that following receipt of Direction under Section 88A, Council resolved that it is in general support for the Development Application No K99/1755 and this Council looks forward to discussions with the Minister, your Department and the developers, (Lenen Pty Ltd) with a view to urgently resolving the application positively at the earliest possible time.”

AMENDMENT

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Cr Luff

Cr Carroll

PROPOSED that:

1. Council acknowledges the Minister's Section 88A direction with regard to Development Application No K99/1755 and supports the continuation of discussions with the applicants, Council staff and the government with a view to early determination of the matter.
2. Writes to the Director-General as proposed -

I wish to advise that following receipt of Direction under Section 88A, Council resolved that it is in general support for the Development Application No K99/1755 and this Council looks forward to discussions with the Minister, your Department and the developers, (Lenen Pty Ltd) with a view to urgently resolving the application positively at the earliest possible time.

PROCEDURAL MOTION

GC6/4

1538

Cr Youngblutt

Cr Polglase

RESOLVED that the Motion be put.

Voting - Unanimous

The Amendment was **Lost**

Voting For	Voting Against
Cr Boyd	Cr Beck
Cr Carroll	Cr Brinsmead
Cr James	Cr Davidson
Cr Luff	Cr Lawrie
	Cr Marshall
	Cr Polglase
	Cr Youngblutt

The Motion was **Carried**.

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

GC6/4 308

1539

Cr Boyd

Cr Carroll

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

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ITEMS DEFERRED

3. **Proposed Six (6) Lot Subdivision, Associated Road and Infrastructure as Staged Development Based on a Masterplan for Future Tourist Resort Complex at Lots 194, 301 and 312 DP755701 Coast Road, South Kingscliff**

DA1180/10 Pt3 K99/1755

This item was withdrawn in consideration of the resolution at Minute No 1537.

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Development Application K00/185 - Proposed Medical Practice at Lot 1 SP 58056 1/22 Boyd Street, Tweed Heads**

DA0700/440-1 Pt1

1540

Cr Polglase
Cr Davidson

RESOLVED that Council is in general support for the establishment of a specialist medical practice and the Director brings forward, for the next meeting, conditions for approval for consideration by Council.

PROCEDURAL MOTION

GC6/4

1541

Cr Youngblutt
Cr Marshall

RESOLVED that the Motion be put.

Voting - Unanimous

The Motion was **Carried**.

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr James
Cr Luff

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2. Development Application K99/1682 - Proposed 8 Lot Subdivision of Lot 117 DP 87997 Darlington Drive/Winders Place, Banora Point (Surrounding Lake Kimberley) - Bradshaw Developments Pty Ltd

DA5937/740 Pt2

1542

**Cr Polglase
Cr Boyd**

RESOLVED that this item and Confidential Item No 2 be deferred to allow further discussions to take place.

Voting - Unanimous

3. 202 Unit Retirement Village - Minjungbal Drive, Tweed Heads South

DA4030/2835 Pt3

1543

**Cr James
Cr Boyd**

RESOLVED that :-

1. All reference to the GST contained in the Deed of Agreement and conditions of consent be deleted.
2. The deferred commencement condition contained in Schedule A remain and on acceptance of the submitted report the applicant be advised the consent is operational.
3. Condition 5 of Schedule B be amended to read:-
 - “5. *That acoustic measures be incorporated into the development having regard to the provisions of the Acoustic Report No. 744924-R2 Rev 4, by VIPAC Engineers and Scientists dated 14 February 2000, to ensure noise levels experienced by future occupants of the development comply with the provisions of the Protection of the Environment Operations Act, 1997*”.
4. Condition 12 of Schedule B be deleted.
5. Condition 18 of Schedule B be amended to read:-
 - “18. *The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:*
 - i. *Easements as shown on Drawing No. 11431D.*
 - ii. *Easement for pedestrian access as shown on Drawing No. 11431D and an additional easement for public access (pedestrian) and Council service vehicles over the internal driveway in the most direct route from Shallow Bay Drive to the public reserve.*

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

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Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council."

6. Condition 19 of Schedule B be amended to read:-
"The existing drainage easement 7.04m wide is to be extinguished prior to the occupation of any building in stages 2, 3, 4 or 5".
7. Condition 21 of Schedule B be amended to read:-
"A separate subdivision certificate for each stage will not be issued by the General Manager until such time as all subdivision conditions applying to that stage contained in development consent No. K99/1510 have been complied with".
8. Condition 43 of Schedule B requiring the construction of Shallow Bay Road not be changed.

Voting - Unanimous

4. **Proposal to Increase the Output at the CSR Quarry, Terranora Road, Terranora**

PF5430/1443 Pt2

1544

Cr Luff
Cr Boyd

RESOLVED that in relation to Development Application 96/322, Council's resolution of 2 February, 2000 be amended as follows:-

- a. The period of time referred to in Part C of the resolution for satisfying the deferred matters be changed from 3 months to 6 months.
- b. Condition 6 in Schedule "B" of Part C of the resolution be deleted.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Youngblutt left the meeting.

5. **Tweed Local Environmental Plan 2000**

GT1/LEP/1998 Pt5

1545

Cr Boyd
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

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6. Kings Forest Planning Framework

GT1/LEP/A123 Pt3

1546

Cr Boyd

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

6a. Draft Section 94 Plan No. 25 and Development Application for Subdivision and Associated Road and Infrastructure as a Staged Development Based on a Master Plan for a Future Tourist Resort Complex - Kings Beach North

GT1/S94/25 Pt1 & DA1180/10 Pt3

This item was dealt with at Minute No. 1537.

RETURN TO MEETING

GC6/1/2 Pt1

Cr Youngblutt returned to the meeting.

LATE ITEM

GC6/4

1547

Cr Marshall

Cr Youngblutt

RESOLVED that Item 6b being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

6b. Tweed Local Environmental Plan 2000

GT1/LEP/1998 Pt5

1548

Cr Luff

Cr Brinsmead

RESOLVED that this item be deferred until later in the meeting to allow Councillors the opportunity to consider the information contained in the report.

Voting - Unanimous

ADJOURNMENT OF MEETING

GC6/4

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

GC6/4

The Meeting resumed at 7.40pm.

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REPORTS FROM DIRECTOR CORPORATE SERVICES

7. Community Access Procedures Review

Community Access

1549

Cr Luff

Cr James

RESOLVED that :

1. The following information sheet for Community Access be adopted and replace the previous procedure:-

“Community Access is an opportunity provided by Council for ratepayers to informally address Councillors on matters of concern, in the Council Chambers, Murwillumbah, on the second Wednesday of each month, commencing at 4:30pm.

***To make an appointment** ring the Administrative Officer on (02) 6672 0540. A time will be allocated. You will need to leave a contact telephone number and indicate what matters you wish to raise. Where the matter is complex or requires confidentiality, the General Manager may approve a booking for a longer time, or he may decide it would be better dealt with at a workshop.*

Where a number of people wish to speak on the same matter a spokesperson should make a single presentation.

*At Community Access **you may speak for five (5) minutes**, although a short extension may be allowed. **Councillors may then ask questions**. You may ask the Administrative Officer to distribute any materials such as written statements, drawings or photographs.*

*Following any questions from Councillors, the General Manager, Directors or Mayor may make a comment if appropriate, but **no decision on a matter can be made at Community Access**. If you wish to receive a formal response to your address, you should make the request in writing to the General Manager. In most cases a member of staff will contact you the next day.*

*Any **complaints or allegations** regarding the conduct of elected representatives, management or staff must be in writing and directed to the General Manager. It is unacceptable for people in their address to Council, or in their responses to questions, to make allegations that any resident, member of Council staff, Councillor or other person has acted improperly with regard to their duties or obligations, or has acted in a way that would be unlawful.*

***Speaking in this forum does not provide any protection from civil action that could arise if you make defamatory statements or comments**”*

2. The editor of the Tweed Link be asked to inform the community of this changed information sheet.

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Voting For	Voting Against
Cr Beck	Cr Polglase
Cr Boyd	
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Marshall	
Cr Youngblutt	

1550

Cr Luff

Cr Carroll

RESOLVED that Council reviews the procedure for Community Access and refers this item to the Communications Committee in the first instance.

Voting For	Voting Against
Cr Boyd	Cr Beck
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Marshall	
Cr Polglase	
Cr Youngblutt	

SUSPENSION OF STANDING ORDERS

GC6/4

1551

Cr Brinsmead

Cr Marshall

RESOLVED that standing orders be suspended to deal with Addendum Item 6b of the Agenda which was earlier deferred.

Voting - Unanimous

6b. Tweed Local Environmental Plan 2000

GT1/LEP/1998 Pt5

1552

Cr Luff

Cr James

RESOLVED that:

1. The Director General of the Department of Urban Affairs and Planning be informed that, in accordance with Section 54 of the Environmental Planning & Assessment Act, it intends to prepare a draft Local Environmental Plan in

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respect of the following matters in the Tweed Local Environmental Plan 2000:

- Include provisions for multi-dwelling housing in Zone 2(a) in the following circumstances;
Multi-dwelling housing if at a density of not greater than:
 - one dwelling per 450m² of site area; or
 - one dwelling per 250m² of site area if the site is within 300 metres distance of a business centre listed under Schedule 8;
 - Amend the key to zone maps to accord with the clause numbering of the written instrument;
 - Amend Clause 22 to include Zones 1(b) and 1(c) on the controls for development near designated roads;
 - Amend the Table attached to Clause 50 in respect of 3(b) Zone to read “1:1 including not more than 0.25:1 for retail or refreshment rooms”;
 - Include in the Item in Schedule 2 in respect of Murwillumbah High School reference to “Block A”;
Delete reference to “*as in force on the appointed day*” in respect of the Item in Schedule 3 related to Chinderah;
 - Change the reference in Schedule 3 to Lot 335 at Fingal to “Lot 353”.
- And that in the opinion of Council an Environmental Study is not required.
2. Council seeks the Department of Urban Affairs and Planning’s support to deal with this Amendment as a matter of urgency.

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

GC6/4 308

1553

Cr Boyd

Cr Marshall

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

8. Licence to Use Land adjacent to Permissive Occupancy 1975/8, Riverside Drive, Tumbulgum

PF4240/480 - Permissive Occupancy

1554

Cr Carroll

Cr Marshall

RESOLVED that :-

1. A licence agreement for the land adjacent to permissive occupancy 1975/8 be entered into with Mr Joseph & Mrs Patricia Hocter.
2. The licence be for the period up until 30 September 2006.
3. The rental be \$100 per annum.
4. All necessary documentation be completed under the Common Seal of Council.

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Voting - Unanimous

9. Draft Management Plan 2000/2003 and Budget 2000/2001

GA4/1/36 Pt1

1555

Cr Beck

Cr Marshall

RESOLVED that:-

1. The Draft Management Plan 2000/2003, the Budget 2000/2001 and Fees and Charges 2000/2001 be reconsidered by the General Manager to bring forward to the next meeting of Council a submission incorporating an organisational restructure and reduction of overheads to achieve economies of operation.
2. A workshop be scheduled for Wednesday, 26 April 2000 commencing at 7.30pm.

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

RETIREMENT FROM MEETING

GC6/1/2 Pt1

Cr Brinsmead left the meeting at 8.20pm.

10. NSW Cultural Summit

Conferences

1556

Cr Marshall

Cr Carroll

RESOLVED that Council confirms the attendance at the NSW Cultural Summit of Cr M Boyd.

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Lawrie

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11. Gold Coast Airport Enterprise Park Feasibility Study Industrial Land Investigation Study, Airport - Coolangatta/Tweed

1557

Cr Luff

Cr Marshall **RESOLVED** that this report be received and noted.

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr James

12. Tweed Gateway Tourism Information Centre

Tourist Gateway

1558

Cr Carroll

Cr Davidson

RESOLVED that:-

1. This report be received and noted.
2. Council seeks to have further consultation with Steering Committee and the consultant.

Voting - Unanimous

13. Tweed and Economic Development Corporation (TEDC) Monthly Performance Report - January to March 2000

TEDC

1559

Cr Luff

Cr Boyd **RESOLVED** that this report be received and noted.

Voting - Unanimous

14. Monthly Investment Report for Period Ending 31 March 2000

Monthly Investment Report

1560

Cr Boyd

Cr Luff **RESOLVED** that this report be received and noted.

Voting - Unanimous

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REPORTS FROM DIRECTOR ENGINEERING SERVICES

15. Tweed Urban Stormwater Quality Management Plan Stormwater Management Plans

1561

Cr Marshall
Cr Boyd

RESOLVED that :-

1. Council adopts the Tweed Urban Stormwater Management Plan.
2. Copies of the plan be made available in Council Civic Centres and Libraries.

AMENDMENT

Cr Beck
Cr Lawrie

PROPOSED that the Tweed Urban Stormwater Management Plan be forwarded as a draft to the Department and that formal adoption of the Plan be deferred for further consideration.

The Amendment was **Lost**

Voting For	Voting Against
Cr Beck Cr Lawrie	Cr Boyd Cr Carroll Cr Davidson Cr James Cr Luff Cr Marshall Cr Polglase Cr Youngblutt

The Motion was **Carried**

Voting For	Voting Against
Cr Boyd Cr Carroll Cr Davidson Cr James Cr Lawrie Cr Luff Cr Marshall Cr Polglase Cr Youngblutt	Cr Beck

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**16. Classification of Land as Operational - Lake Kimberley, Banora Point
DA5937/740 Pt2**

1562

Cr Polglase

Cr Davidson

RESOLVED that Council classifies Lake Kimberley, being proposed Lot 1 in the subdivision of Lot 117 DP 879797, as Operational Land.

Voting - Unanimous

**17. Classification of Land as Operational - Proposed Lot 167, Botanical
Circuit, Banora Point**

GS4/95/5 Pt10

1563

Cr Polglase

Cr Davidson

RESOLVED that proposed Lot 167 in the subdivision of Lot 89 DP 1006590 and Lot 901 DP 1005242, being stage 5 of the Flame Tree Park Estate at Banora Point, be classified as operational land in accordance with Section 31 of the Local Government Act, 1993.

Voting - Unanimous

18. Classification of Land as Operational

GS4/94/78 Pt11

1564

Cr Polglase

Cr Davidson

RESOLVED that proposed Lot 1228 Banora Waters Estate, being a subdivision of Lot 1437 DP 1005048, be classified as Operational land under the provisions of Sec. 31 of the Local Government Act, 1993.

Voting - Unanimous

19. Fingal Road Realignment

R2060 Pt2

1565

Polglase

Marshall

RESOLVED that Council:

1. Endorses the proposed realignment of Fingal Road to a new road alignment providing at least 7.5m between residential property boundaries and the kerb and gutter, for the purposes of public exhibition.
2. Places the proposed road realignment plan on public exhibition for a period of 28 days.
3. Distributes a copy of the plan to local residents and to resident and ratepayer organisations and actively seek comments.

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Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Beck

20. Point Danger Signage (Cook's Point Danger)

Geographical Names Board

1566

Cr Luff

Cr Marshall

RESOLVED that:-

1. The four options produced by the working group be exhibited for 28 days for comment and drawn to the attention of the Gold Coast City Council; The Committee to bring forward a further recommendation to Council expeditiously.
2. As well as making a decision on the wording of any summary for a plaque, Council should consider using photo anodised aluminium signs to install a longer text with more detail including a reference to historical materials in Tweed Heads Library.”

AMENDMENT

Cr Beck

Cr Youngblutt **PROPOSED** that the wording at Plaque B (Page 221) be adopted being:-

*REPORT of the GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES
22 October 1998*

The Board examined the data recorded on Cook's voyage and all submissions made on the location of Cook's Point Danger.

The Board unanimously concluded that this point of land, at present named Point Danger, was the feature which was named and mapped by James Cook as Point Danger in May 1770.

*Plaque erected by TWEED SHIRE COUNCIL
& GOLD COAST CITY COUNCIL
1999*

The Amendment was **Lost**

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Voting For

Cr Beck

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

The Motion was **Carried**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Beck

21. Kingscliff West Drainage Strategy

GD1/2/3, GT1/DCP/9 Pt3

1567

**Cr Marshall
Cr Luff**

RESOLVED that :-

1. An amendment to Development Control Plan No. 9 West Kingscliff incorporating the drainage strategy in the report "Kingscliff Catchment & Drainage Management Plan" prepared by WBM Oceanics Australia and Council's *Stormwater Management Plan*".
2. An amendment to Section 94 Contributions Plan No.7 West Kingscliff be pursued reflecting the revised drainage strategy and cost adjustments.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

22. Pet Crematorium/Pet Cemetery

Cemetery Companion Animals

Cr Marshall

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Cr Youngblutt **PROPOSED** that this report be received and noted and the Director Environment & Community Services be requested to further investigate the matter and bring forward a report at the appropriate time.

AMENDMENT

1568

Cr James

Cr Davidson **RESOLVED** that this report be received and noted.

The Amendment was **Carried** on the casting vote of the Mayor

Voting For	Voting Against
Cr Boyd	Cr Beck
Cr Carroll	Cr Lawrie
Cr Davidson	Cr Luff
Cr James	Cr Marshall
Cr Polglase	Cr Youngblutt

The Amendment on becoming the Motion was **Carried**

Voting For	Voting Against
Cr Boyd	Cr Beck
Cr Carroll	Cr Lawrie
Cr Davidson	Cr Marshall
Cr James	Cr Youngblutt
Cr Luff	
Cr Polglase	

23. National Environmental Health Strategy. Community Health Program Health Plan, Public Health Act

1569

Cr Boyd

Cr Luff **RESOLVED** that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Cultural Development Committee Meeting held 15 February 2000**
Cultural Development - Advisory Committee

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3. Policy Task - Public Art Policy

Cultural Development - Advisory Committee

1570

Cr Carroll

Cr James

RESOLVED that Council writes a letter acknowledging and congratulating FANTAST for the excellent contribution they have made to Public Art in the Tweed.

Voting - Unanimous

1571

Cr Carroll

Cr James

RESOLVED that the balance of the Minutes of the Community Cultural Development Committee Meeting be adopted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

GC6/13 Pt4

1. Council Land - Mt Nullum

Land Development - Mt Nullum

This item was received and noted.

ORDERS OF THE DAY

**1. Notice of Rescission - Cr Brinsmead, Cr Marshall and Cr Youngblutt
Proposed Six (6) Lot Subdivision, Associated Road and Infrastructure as
Staged Development Based on a Masterplan for Future Tourist Resort
Complex at Lots 194, 301 and 312 DP 755701 Coast Road, South Kingscliff
Kings Beach Dev, DA1180/10 Pt3, Notice of Motion**

This item was dealt with earlier in the Meeting at Minute No. 1533.

**2. Notice of Rescission - Cr Brinsmead, Cr Marshall and Cr Youngblutt
Finalisation of Draft Section 94 Contributions Plans No. 25 and Draft
Strategic Planning Policies - Kings Beach North
Kings Beach Devel., Section 94 Plans, GT1/S94/25, Notice of Motion**

This item was dealt with earlier in the meeting at Minute No. 1532.

**3. Notice of Motion - Cr Polglase
Kingscliff Sewage Treatment Plant**

Sewerage Treatment - Kingscliff, Notice of Motion

1572

Cr Polglase

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Cr Carroll **RESOLVED** that Council offers to enter into a legal agreement with Gales Holdings to further explore the ultimate relocation of the Kingscliff Sewage Treatment Plant to an alternative site conditional upon:

1. Gales Holdings securing a suitable alternative site and all necessary approvals for the construction of a 50,000 person sewage treatment plant.
2. The agreement being subject to Gales Holdings providing a \$5M security up front (held in interest bearing trust), being the cost difference identified in the Consultant’s report. The agreement to allow sufficient flexibility to recover any increased costs that may be incurred as a result of Council following this course rather than proceeding with Council’s previously approved plan for the current site.

Voting For	Voting Against
Cr Boyd	Cr Beck
Cr Carroll	Cr Marshall
Cr Davidson	Cr Youngblutt
Cr James	
Cr Lawrie	
Cr Luff	
Cr Polglase	

4. Notice of Rescission - Cr Luff, Cr Marshall and Cr Youngblutt Council Meetings

Council Meetings, Notice of Motion

1573

Cr Luff

Cr Marshall

RESOLVED that Council resolution at Minute No 1472 in relation to Item 2 of the Meeting held 5 April 2000 being:-

".....that Council Policy No C2.17.2 “Ordinary Council Meetings - Time and Place”, be changed to read:-

1. “The ordinary meetings of Council are held in the Council Chambers, Civic and Cultural Centre, Tumbulgum Road, Murwillumbah, on the first and third Wednesday of each month commencing at 2.00pm to 10.30pm with a meal break between 6.30pm and 7.30pm.
2. Community Access to be held on the second Wednesday of each month between 4.30pm and 6.30pm.
3. Ordinary meetings of Council may be held at other venues as determined by Council”

(The change embodied in the above is to change the commencing time from 4.00pm to 2.00pm)

be rescinded.

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Voting For

Cr Beck
Cr Boyd
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Carroll

1574

Cr Boyd

Cr Beck

RESOLVED Council Policy No C2.17.2 “Ordinary Council Meetings - Time and Place”, be changed to read:-

1. “The ordinary meetings of Council are held in the Council Chambers, Civic and Cultural Centre, Tumbulgum Road, Murwillumbah, on the first and third Wednesday of each month commencing at 3.00pm to 10.30pm with a meal break between 6.30pm and 7.30pm.
2. Community Access to be held on the second Wednesday of each month between 4.30pm and 6.30pm.
3. Ordinary meetings of Council may be held at other venues as determined by Council”
(The change embodied in the above is to change the commencing time from 4.00pm to 3.00pm)

Voting - Unanimous

5. Notice of Motion - Cr Marshall

Signage - The Anchorage, Tweed Heads

GL2/8 Pt13, Regulatory Sign, The Anchorage, Notice of Motion

Cr Marshall

Cr Youngblutt

PROPOSED that signs be erected under section 632 of the Local Government Act 1993 at both ends of the walkways on public places within The Anchorage Estate, Tweed Heads for the following:

No Skateboards
No Bicycles
No Rollerblades
Dogs must be kept on a leash”

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AMENDMENT

1575

Cr Boyd
Cr Luff

RESOLVED that the matters raised with regard to signage at the Anchorage be referred to the Director Environment & Community Services for investigation and a report.

The Amendment was **Carried**

Voting For	Voting Against
Cr Beck	Cr Marshall
Cr Boyd	Cr Youngblutt
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Polglase	

The Amendment on becoming the Motion was **Carried**

Voting For	Voting Against
Cr Beck	Cr Youngblutt
Cr Boyd	
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Marshall	
Cr Polglase	

6. Notice of Motion - Cr Marshall

Signage - The Anchorage, Tweed Heads

GL2/8 Pt13, Regulatory Sign, The Anchorage, Notice of Motion

This item was dealt with at Minute 1575.

QUESTION TIME

Nil.

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COMMITTEE OF THE WHOLE

GC6/16 Pt2

1576

Cr Beck
Cr Boyd

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

Voting - Unanimous

The General Manager reported that the Confidential Committee of the Whole 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 DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. Marana Park Estate - Stormwater Discharge into R E and B Garbetts Property.

GS4/94/51 Pt2

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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

C169

That Council takes no further action on the matter.

Voting - Unanimous

2. Possible Acquisition of Land Surrounding Lake Kimberley - Development Application K99/1682 - Proposed 8 Lot Subdivision of Lot 117 DP 879797 Darlington Drive/Winders Place, Banora Point - Bradshaw Development Pty Ltd

DA5937/740 Pt2

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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

This item was also dealt with in Open Council at Minute No. 1542.

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C170

That a meeting to further discuss this matter involves Councillors Boyd, Polglase, the General Manager and the proponent's representatives.

Voting - Unanimous

3. Breach of Development Consent 88/372 - CSR Readymix Quarry, Terranora

PF5430/1443 Pt2

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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

C171

That the offer by CSR Construction Materials as set out in their letter dated 29 March 2000 for road maintenance contributions for material extracted since 1995 be accepted and that the funds be used for Terranora Road.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4. Request to Purchase Property Owned by JT & LB Duyker at Lot 3 DP 705781 No 158 Hawkens Lane, Eviron

PF2400/100 Pt2 - Land - Purchase

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(b) the personal hardship of any resident or ratepayer

C172

That Council advises:-

1. Mr J T & Mrs L B Duyker that it does not intend to purchase Lot 3 DP 705781 Eviron Road, Condong as the property is not viable for purchase for Council usage and the impact of the landfill location on the property should have been taken into consideration when the property was purchased.
2. K F & D T Moller that it does not intend to purchase Lot 2 DP 705781 Eviron Road, Condong as the property is not viable for purchase for Council usage and the impact of the landfill location on the property value should have been taken into consideration when the land was purchased

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Voting For

Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall
Cr Polglase

Voting Against

Cr Beck
Cr Lawrie
Cr Youngblutt

**5. Request to Purchase Property Owned by F & D Moller, Lot 2 DP
705781 No 157 Hawkens Lane, Condong**

PF2400/120 Land - Purchase

*Confidential Nature of This Item: The Local Government Act 1993 Clause
10A(2)*

(b) the personal hardship of any resident or ratepayer

This item was dealt with in conjunction with Confidential Item 4 at Minute No
C170.

**6. Erection of Tepees and Associated Structures - Lot 3 DP 878542
Hopkins Creek Road, Chillingham**

DA2580/16 Pt1

*Confidential Nature of This Item: The Local Government Act 1993 Clause
10A(2)*

(e) information that would, if disclosed, prejudice the maintenance of law

C173

That this report be received and noted.

Voting - Unanimous

1577

**Cr Lawrie
Cr Davidson**

RESOLVED that the report and recommendations of the Confidential Committee
of the Whole be adopted.

Voting - Unanimous

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ITEMS NOT ON THE AGENDA

Business Papers

Business Paper

1578

**Cr Beck
Cr Boyd**

RESOLVED that the Council business paper be distributed to Member for Tweed, Mr Neville Newell, at the same time as it is distributed to Councillors.

Voting - Unanimous

Discussions with the Department of Urban Affairs and Planning Regarding Development Applications from Lenen Pty Ltd

DA1180/10 Pt3

1579

**Cr Carroll
Cr Boyd**

RESOLVED that the General Manager advises Councillors of any meeting between Councillors, representatives from the Department of Urban Affairs and Planning, representatives from Lenen Pty Ltd and Council officers so that Councillors can consider availability for attendance.

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Luff
Cr Polglase

There being no further business the Meeting terminated at 11.00pm.



Minutes of Meeting Confirmed by Council

at Meeting held 3 May 2000

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 28 of these Minutes

Minutes - Ordinary Meeting of Tweed Shire Council

Chairman