

# Minutes - Meeting of Tweed Shire Council

## IN ATTENDANCE

Councillors L F Beck (Mayor), M R Boyd, B J Carroll, R D Brinsmead (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 Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

Cr Carroll and Cr Luff were not present at the commencement of the meeting.

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

*"May the peace of God reign in our hearts,  
that peace to which we are called together  
as parts of one Body.  
In all our words and actions  
Let us give thanks to God our Father,  
In the name of the Lord Jesus.*

*(Colossians 3:15-7)*

*Lord God*

*We thank you for the many things You in Your providence have given us who live in the Tweed.*

*May we always appreciate the fruits of the land and the fruits of those who live and work in our local area.*

*Help us to be mindful of the needs of others and to work together for the good of all.  
We make this prayer through Christ our Lord. Amen."*

## CONFIRMATION OF MINUTES

**1160**

**Cr Polglase**

**Cr Lawrie**

**RESOLVED** that the Minutes of the Ordinary Meeting held 6 June 2001 be confirmed as an accurate record of the proceedings of that Meeting.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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**1161**

**Cr Polglase**

**Cr Lawrie**

**RESOLVED** that the Minutes of the Adjourned Meeting held 13 June 2001 be confirmed as an accurate record of the proceedings of that Meeting.

**Voting - Unanimous**

## **ABSENT**

Councillor G Davidson.

Councillor Cr Davidson advised the General Manager that his absence was caused by being out of the area.

**1162**

**Cr Boyd**

**Cr James**

**RESOLVED** that the absence of Cr Davison be accepted.

**Voting – Unanimous**

## **DISCLOSURE OF INTEREST**

Cr Beck declared an interest in Confidential Item No 2, the nature of the interest being that Cr Beck's mother is a land owner in the subject area.

Cr Boyd declared an interest in Confidential Item No 8, the nature of the interest being that Cr Boyd's family has a memorial erected in the subject area.

Cr Brinsmead declared an interest in a Confidential Question Without Notice and Confidential Urgency Motion, the nature of the interest being that Cr Brinsmead's son is the legal representative of the subject applicant.

## **ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL**

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

**Cr Polglase**

**Cr Boyd**

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

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## MAYORAL MINUTE

### 1. Request for Financial Assistant from Mr and Mrs Thompson

#### Donations, Sport & Recreation-General

The Mayor tabled a letter requesting financial assistant for Tim Thompson who has been selected in the NSW State School Basketball team to play in Albury

**Cr Marshall**

**Cr Boyd**

**PROPOSED** that a letter of support be forwarded to Mr and Mrs Thompson advising that Council is unable to assist their son Tim in meeting travel costs and advising them to direct their request to the Institute of Sport.

## ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.10.

## AMENDMENT

1163

**Cr Beck**

**Cr Lawrie**

**RESOLVED** that Council forwards a letter to the Institute of Sports requesting financial assistance in meeting travel costs for Tim Thompson and if they are unable to assist, that Council donates \$100.00 towards such costs.

The Amendment was **Carried**

### Voting For

Cr Beck  
Cr Brinsmead  
Cr James  
Cr Lawrie  
Cr Polglase  
Cr Youngblutt

### Voting Against

Cr Boyd  
Cr Luff  
Cr Marshall

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

### Voting For

Cr Beck  
Cr Brinsmead  
Cr James  
Cr Lawrie  
Cr Polglase  
Cr Youngblutt

### Voting Against

Cr Boyd  
Cr Luff  
Cr Marshall

# Minutes - Meeting of Tweed Shire Council

## Adoption of Mayoral Minute

1164

Cr Beck

**RESOLVED** that the Mayoral Minute as presented be adopted.

**Voting - Unanimous**

## ITEMS DEFERRED

15. **Amendment to Development Consent 0944/2000DA for the Erection of a 3 Storey Residential Flat Building Comprising 8 x 3 Bedroom Dwellings at Lot 40 DP 237678, No. 20 Frances Street, Tweed Heads**

DA2131/230 Pt3

1165

Cr Polglase

Cr Marshall

**RESOLVED** that the amendment to the design of the building to replace a window with a sliding door on the ground floor of the western side of the building at Lot 40 DP 237678 No 20 Frances Street, Tweed Heads be recommended for approval with the deletion of Condition No 21.

## ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.20pm.

## MOTION OF DISSENT

Cr James

Cr Luff

**PROPOSED** a motion of Dissent in the ruling of the Chairman.

The Motion of Dissent was **Lost**

### **Voting For**

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

### **Voting Against**

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

The Motion was **Carried**

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## Voting For

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

## Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

## LATE ITEM

**1166**

**Cr James**

**Cr Marshall**

**RESOLVED** that Item 25 of Items Deferred being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

**Voting - Unanimous**

## 25. Councillors Expenses

**Councillors - Fees**

**1167**

**Cr James**

**Cr Marshall**

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

**Voting - Unanimous**

## ITEMS NOT ON THE AGENDA

### 1. Death of Mr Ken Baldwin

**Condolences**

**1168**

**Cr Boyd**

**Cr Youngblutt**

**RESOLVED** that Council observes one minute's silence as a mark of respect for the late Mr Ken Baldwin.

**Voting – Unanimous**

## SUSPENSION OF STANDING ORDERS

**1169**

**Cr Lawrie**

**Cr Youngblutt**

**RESOLVED** that standing orders be suspended to deal with Item 5 Orders of the Day of the Agenda.

**Voting – Unanimous**

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## ORDERS OF THE DAY

### 5. The Erection of a Multi-Dwelling Housing Development Comprising 46 Dwellings (Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South

Notice of Rescission, DA1993/10 Pt5

1170

Cr Lawrie

Cr Polglase

**RESOLVED** that Council resolution at Minute No 1086 in relation to Item 12 of the Meeting held 6 June 2001 being:-

".....that Development Consent 0005/2001DA for the erection of a multi-dwelling housing development comprising 46 dwellings (within Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South , be amended in the following manner:

1. Amend Condition No. 4 so that it reads:

4. Prior to the issue of the Construction Certificate for the erection of any buildings, Stage 3B of the Subdivision Consent S98/31 (as amended on 9/4/2001) be completed, and the Subdivision Certificate for this Stage be released by Council.

2. Add the following two Conditions as Prerequisites

# A certificate to be submitted to Council by a Registered Surveyor certifying that Precinct 7 has been filled to a minimum of 2.65 metres AHD prior to the issue of the Construction Certificate for any building.

# A Geotechnical Report to be submitted to Council from a Registered Geotechnical Engineer certifying that the filling operations comply with Australian Standard AS3798-1996.

3. It is further recommended that the Section 96 Application Fee of \$350.00 not be refunded."

**be rescinded.**

The Rescission Motion was **Carried** on the casting vote of the Mayor.

#### Voting For

Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Polglase  
Cr Youngblutt

#### Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff  
Cr Marshall

1171

Cr Lawrie

Cr Youngblutt

**RESOLVED** that Development Consent 0005/2001DA for the erection of a multi-dwelling residential development comprising 46 dwellings (Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South.

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## Amend Condition 4

**From** Existing 4. Prior to the issue of the Construction Certificate for the erection of any buildings, the Master Lot known as Precinct 7 or Proposed Lot 3 under Development Consent S98/31 is to be registered with the Land Titles Office.

**To** Proposed 4. (i) Prior to the issue of the Construction Certificate for the erection of any buildings, the uncompleted works in Stage 3B are to be bonded with Council by way of a bank guarantee such amount as is reasonably acceptable to Council staff being not less than \$1million.

(ii) The subdivision certificate for Stage 3B Consent S98/31 (as amended on 9/4/2001) not be released until all the works have been completed and all conditions satisfied to Council's requirements.

(iii) A certificate to be submitted to Council from a Registered Surveyor certifying that Precinct 7 has been filled to a minimum of 2.65 metres AHD prior to the issue of the Construction Certificate for any building.

(iv) A Geotechnical Report to be submitted to Council from a Registered Geotechnical Engineer certifying that the filling operations comply with Australian Standard AS3798-1996 prior to the issue of the Construction Certificate for any building.

(v) The dwellings are not to be occupied until after the release of the subdivision certificate. A developer undertaking is to be provided certifying this requirement.

(Stage 3B requires the construction of Public Works namely the extension of Falcon Way and the Public Park and all services to proposed Lots 904 and 905. Precinct 7 Master Lot is in proposed Lot 905).

## Amend Condition 8

**From** Existing 8 Condition No 31 of the Development Consent S98/31 to be compiled with prior to the release of the construction certificate for the erection of any buildings.

(Condition 31 of S98/31 requires the submission and approval of sedimentation erosion and pollution control plans and the installation of these measures).

**To** Proposed 8 Prior to the issue of the Construction Certificate for the erection of any buildings, the erosion and sediment controls during the construction phase are to be completed for Stage 3B, Precinct 4 and Precinct 7.

The Motion was **Carried** on the casting vote of the Mayor.

### Voting For

Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Polglase  
Cr Youngblutt

### Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff  
Cr Marshall

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## RESUMPTION OF STANDING ORDERS

1172

Cr Polglase

Cr Marshall

**RESOLVED** that Standing Orders be resumed.

**Voting - Unanimous**

## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

#### 1. Development Control Plan (DCP) No 6 - Multi-Dwelling Housing

**GT1/DCP/6 Pt2**

1173

Cr Polglase

Cr Luff

**RESOLVED** that Council:

1. Pursuant to Sections 21 and 22 of the Environmental Planning and Assessment Regulation 2000, approves Development Control Plan No 6 (Version 2) – Multi-Dwelling Housing;
2. Forwards a certified copy of the approved Development Control Plan to the Director-General of the Department of Urban Affairs and Planning; and
3. Gives public notice of its decision.

**Voting - Unanimous**

#### 2. Strategic Planning Work Program

**Strategic Planning Program**

1174

Cr Boyd

Cr Lawrie

**RESOLVED** that Council's Strategic Planning Works Program for the period to December 2001 comprises the following:

- Continuation of existing Local Environmental Plan Amendments and Studies currently in progress, with the exception of:-
  - (a) the Local Environmental Plan Amendment for Area E. This project to be held in abeyance until such time as the Kirkwood Road/Tweed Bypass access issues are resolved; and
  - (b) the Local Environmental Plan for Kings Forest.
- Proposed Local Environmental Plan Amendments:
- Chinderah – Stirling Land;



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- Melaleuca Station, Lot 704 on DP 1000580;
- Tweed Local Environmental Plan 2000 Housekeeping Amendments – Exempt and Complying Development, Signage, Coolangatta Airport, Administrative Local Environmental Plan Amendments;
- Sea Breeze Estate, Pottsville;
- Mooball Road, Pottsville;
- Riveroak Drive;
- Review of Development Control Plan No. 5 – Development of Flood Liable Land;
- Preparation of Coastal Hazard Policy;
- Preparation of Bushfire Hazard Control Development Control Plan.

The inclusion of Proposed Local Environmental Plan Amendments in the Work Program is only to proceed to the preparation of a Section 54 Report. Further work will proceed on each proposal only if Council resolves to prepare a draft Local Environmental Plan.

## Voting - Unanimous

### 3. Draft Development Control Plan No. 42- Public Notification Policy

GT1/DCP/42 Pt1

1175

Cr Boyd

Cr Marshall

**RESOLVED** that Council:-

1. Pursuant to Section 21 of the Environmental Planning and Assessment Regulation, 2000, approves draft Development Control Plan No. 42 – Public Notification Policy.
2. Council forwards a certified copy of approved Development Control Plan to the Director-General of the Department of Urban Affairs and Planning.
3. Council gives public notice of its decision.

## Voting - Unanimous

## REPORTS FROM DIRECTOR CORPORATE SERVICES

### 4. Tweed River Jockey Club - Half Day Holiday for Melbourne Cup Race Day

Public Holidays

Cr Youngblutt

Cr Polglase

**PROPOSED** that Council grants a ½ day holiday for the Melbourne Cup Race Day, from 12 noon on Tuesday, 6 November 2001 for the township of Murwillumbah.

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## AMENDMENT

1176

Cr Carroll

Cr Beck

**RESOLVED** that:-

1. Council advertises in the Tweed Link that it is considering gazetting a ½ day holiday for the township of Murwillumbah for Melbourne Cup Race Day, from 12 noon on 6 November 2001 and invites feedback from the Community by 31 July 2001.
2. The General Manager brings forward a report on the cost to ratepayers associated with Tweed Shire Council staff being granted ½ day holiday for Melbourne Cup Race Day, from 12 noon on 6 November 2001, and other possible impacts.

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

<b>Voting For</b>	<b>Voting Against</b>
Cr Beck	Cr Brinsmead
Cr Boyd	Cr James
Cr Carroll	Cr Lawrie
Cr Luff	Cr Polglase
Cr Marshall	Cr Youngblutt

The Amendment on becoming the Motion was **Carried** on the casting vote of the Mayor.

<b>Voting For</b>	<b>Voting Against</b>
Cr Beck	Cr Brinsmead
Cr Boyd	Cr James
Cr Carroll	Cr Lawrie
Cr Marshall	Cr Luff
Cr Polglase	Cr Youngblutt

## 5. Financial Report for Period Ending 31 May 2001

### Financial Reporting

1177

Cr Polglase

Cr Youngblutt

**RESOLVED** that the Direct Investments Policy as follows be adopted:

*“Investment Institutions/Securities must have a minimum long term credit rating of "BBB-" or short term credit rating of "A2" from Standard & Poors or Moody Investor Services equivalent.*

*The amount invested with any one financial institution should not exceed the following percentages of average annual funds invested.*

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Long Term Rating (Standard & Poors)	Short Term Rating (Standard & Poors)	Maximum Percentage Of Total Investments
AAA to AA-	A1+	45%
A+ to A-	A1	40%
BBB+ to BBB-	A2	20%"

## TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

The Motion was **Carried**

**Voting - Unanimous**

6. **First International Conference on Regulatory Reform from Monday, 9 July to Friday, 13 July 2001, Sydney**

**Councillors - Conferences**

1178

Cr Boyd

Cr Luff

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

**Voting - Unanimous**

## LATE ITEM

1179

Cr Boyd

Cr Marshall

**RESOLVED** that Items 6a and 6b being Addendum items be dealt with and it be ruled by the Chairman to be of great urgency.

**Voting - Unanimous**

- 6a. **Local Government Management Association New South Wales Division 2001 Annual Conference**

**Conference – General, Council - Management**

1180

Cr Boyd

Cr Marshall

**RESOLVED** that Council supports elected representatives who have expressed an interest to attend the conference.

**Voting - Unanimous**

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## 6b. Renewal of Council's Insurance Portfolio for the Period 1 July 2001 to 30 June 2002

**Insurance-General**

1181

Cr Marshall

Cr Polglase

**RESOLVED** that Council enters into an insurance contract with various companies for the following policies for the period 1 July 2001 to 30 June 2002 on the following basis and premiums:-

### 1. Industrial Special Risk Premium \$63,878.50 (plus GST)

Insurer: NSW Local Government (Jardines) Mutual Liability Scheme known as Statewide,

#### Total Asset Value

<b>Section 1:</b>	All Property	\$71,853,000
	Machinery Breakdown	\$100,000
	Boiler Explosion	\$20,000
	Computer Breakdown Hardware	\$1,000,000
<b>Section 2:</b>	Consequential Loss	\$10,200,000
<b>Total:</b>		<b>\$83,173,000</b>

#### Limits of Liability:

Sections 1 & 2 combined \$100,000,000

#### Sub-limits of Liability:

Liability shall be further limited to any one loss/anyone situation as follows:-

#### Section 1 – Material Loss or Damage

	\$
Accidental damage	2,000,000
Accidental damage Artworks	200,000
Burglary/theft (other than money)	2,000,000
Money (including whilst in transit)	1,000,000
Removal of debris	5,000,000
Reproduction of records	5,000,000
Extra cost of reinstatement	2,000,000
Expediting costs	100,000
Fusion	20,000
Transit – Artworks	50,000
Property in open air (including theft)	100,000
Damage to glass	Replacement Value
General Property	100,000
Liability to Make Enquiries	100,000

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Loss of Land Value	50,000
Landscaping	10,000
Docks, wharves and piers	50,000
Bridges, canals, dams, reservoirs, roadway, tunnels and railway tracks	50,000
Flood	N/A
Subsidence	N/A
Personal Property/Social Clubs	20,000
Jewellery/Furs	2,000
Machinery breakdown	100,000
Machinery breakdown – deterioration of stock	N/A
Boiler explosion	20,000
Computer breakdown – hardware	1,000,000
Computer breakdown – software/data restoration	N/A

## Section 2 – Consequential Loss

Item 1 – Gross Profit	Nil
Item 2 – Claims Preparation Costs and Proving Costs	Nil
Item 3 – Payroll	Nil
Item 4 – Increased Cost of Working	10,000,000
Item 5 – Computer breakdown increased cost of working	Nil
Item 6 – Loss of Gross Rentals	Nil
Item 7 – Accounts Receivable	Nil
Item 8 – Fines or Penalties	200,000
Indemnity Period as defined	12 Months

**Note that the inclusion of a Sub Limit of Liability does not automatically constitute cover under the Mutual for that item. Protection will only apply if the damage is sustained, via a protected peril, to a declared situation on the asset schedule.**

### Deductibles:

1. In respect of property where loss is caused by earthquake, subterranean fire or volcanic eruption:
  - a) An amount equal to 1% of the Total Declared Values at the Situation where the damage occurs; or
  - b) \$20,000, whichever is the lesser.

The current variable deductibles are listed below for the ensuing protection period.

2.	Personal Property/Social Clubs	\$2,000
3.	General Property	\$2,000
4.	Flood	Not Covered
5.	Machinery breakdown	\$2,000
6.	Boilers and Pressure Vessels	\$2,000
7.	Computer breakdown	\$2,000

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8.	All other causes	\$2,000
<b>2.</b>	<b>Motor Vehicle</b>	<b>Premium \$74,740.00 (plus GST)</b>
	Insurer:	Zurich Australian Insurance Ltd
	Based on schedule of vehicles provided and vehicles acquired during the period of insurance.	
	Included all vehicles (including fixtures, fitting, plant, equipment and accessories therein or thereof), including trailers owned or loan leased, rented, hired or used by the insured.	
	<b>Deductibles:</b>	
	• Insured to bear the first each and every loss	\$1,000
	• Automatic repair authority	\$2,500
	• Automatic additions and deletions limit	\$150,000
<b>3.</b>	<b>Public Liability – Casual Hirers</b>	<b>Premium \$1,265.00 (plus GST)</b>
	Insurer:	St Paul International
	Section 1 – Limit of liability any one occurrence	\$10,000,000
	Section 2 – Limit of liability any one occurrence and in the aggregate any one period of insurance	\$10,000,000
	<b>Deductible:</b>	
	• Each and every loss	\$500
<b>4.</b>	<b>Marine Hull</b>	<b>Premium \$2,263.74 (plus GST)</b>
	Insurer: Associated Marine Insurers Agents Pty Ltd	
	On two (2) aluminium flood boats, including motors and trailers.	
	<b>Sum Insured:</b>	
	Section 1	\$18,000
	Section 2	\$5,000,000
	<b>Deductible:</b>	\$250
<b>5.</b>	<b>Fidelity Guarantee</b>	<b>Premium \$1,700.00 (plus GST)</b>
	Insurer:	Statewide Mutual
	<b>Sum Insured:</b>	
	Limit any one person	\$150,000
	Limit any one event	\$150,000
	In the Aggregate any one period of insurance	\$150,000

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## Deductible:

1% of the claim or minimum of \$500.

## RETURN TO MEETING

Cr Brinsmead returned to the meeting.

The Motion was **Carried**

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENGINEERING SERVICES

### 7. Works Program - 2001/2002

Works Program – 2001/2002

1182

Cr Boyd

Cr Carroll

**RESOLVED** that the 2001/2002 Works Program as submitted be adopted.

**Voting - Unanimous**

### 8. Naming of a Public Lane Between Moss Street and Cudgen Creek at Kingscliff

R3570, Street Naming

1183

Cr Marshall

Cr Boyd

**RESOLVED** that :-

1. Council formally adopts “Clough Way” as the name of the unnamed public land between Moss Street and Cudgen Creek at Kingscliff.
2. The name be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act 1993, and
3. The name “Donnan” be accepted as a suitable name for a future street in Kingscliff.

## AMENDMENT

Cr Beck

Cr Youngblutt

**PROPOSED** that Council advertises its intention to name the unnamed public land between Moss Street and Cudgen Creek at Kingscliff, “Lesley Moss” Lane.

The Amendment was **Lost**

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## Voting For

Cr Beck

## Voting Against

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

The Motion was **Carried**

## Voting - Unanimous

### 9. Release of Restriction on Use of Lane - Lot 3 DP868950 Bush Cherry Drive, Cobaki

DA0863/10 Pt1 - Easements

1184

Cr Boyd

Cr Luff

**RESOLVED** that :-

1. Council approves the release of the Restriction on Use of Lane and regards to Lot 3 DP 868950 in accordance with condition 8 of Development Consent No. 0499/2000, and
2. All necessary documentation be executed under the Common Seal of Council.

## Voting - Unanimous

### 10. Commercial Cruise Boat Marina Facility - Southern Boatharbour Tweed Heads Southern Boat Harbour, Master Boating Plan, Boating

1185

Cr Boyd

Cr Marshall

**RESOLVED** that Council:-

1. Seeks valuations of the likely commercial returns from a Commercial Cruise Boat Marina Facility, as proposed by the Charter Operators Association, and a report be prepared for Council's consideration on the feasibility of such a facility being developed and operated by Council.
2. Prepares and lodges a Development Application for the facility in consultation with the Association.

## Voting - Unanimous



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## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

### 11. Proposed Lease to Tweed Heads Amateur Fishing Club - Dry Dock Road

Leases – Council Ppty

1186

Cr Boyd

Cr Marshall

**RESOLVED** that Council:

1. Agrees to entry into a 5 year lease with a two further 5 year options with the Tweed Heads Amateur Fishing Club for use of part of Dry Dock Road located on the western side of the existing Tweed River High School boat shed, subject to the Club obtaining all necessary approvals.
2. Completes all necessary documents under the Common Seal of Council.

**Voting - Unanimous**

### 12. Provision of Additional Funding

Government Grants – Community Options

1187

Cr Carroll

Cr Marshall

**RESOLVED** that Council:

1. Accepts the additional funding of \$8,445.00 and votes the expenditure accordingly.
2. Completes all necessary documents under the Common Seal of Council.

**Voting - Unanimous**

### 13. Request for Assistance - Tweed Bridge Club/Twin Towns Playgroup - Termite Damage

4640.20, Noxious Pests

1188

Cr Boyd

Cr Carroll

**RESOLVED** that Council funds 50% of the treatment cost for the Tweed Bridge Club/Twin Towns Playgroup shared building from the annual budget allocation for Council property maintenance.

**Voting - Unanimous**

### 14. Trail Bikes - Cudgen Recreation Ground

Regulatory Sings, Noise – Pollution, Cudgen Nature Reserve

1189

Cr Boyd

Cr Marshall

**RESOLVED** that Council erects signs on Cudgen Recreation Ground prohibiting the riding of motorbikes on the grounds.

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## Voting For

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

## Voting Against

Cr Beck  
Cr Brinsmead

### 15. Rural Fire Service - Service Level Agreement

Fire Services, Bush Fire Brigades

1190

Cr Polglase

Cr Youngblutt

**RESOLVED** that:

1. Council appoints Cr Youngblutt and Cr James to be members of the Rural Fire Service Liaison Committee.
2. Council supports the transfer of Council's powers under Section 82 of the Rural Fire Unit to the Commissioner.
3. The agreement be amended as negotiated by the General Manager.
4. All documents be completed under the Common Seal of Council.

**Voting - Unanimous**

**LATE ITEM**

1191

Cr Boyd

Cr Marshall

**RESOLVED** that Item 15a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

**Voting - Unanimous**

### 15a. Provision of Funding - Community Options

Govt Grants - Community Options

1192

Cr Marshall

Cr Boyd

**RESOLVED** that Council:-

1. Accepts the renewal offer for funding from the Department of Ageing and Disability and Home Care for \$198,692 for its Community Options Program and \$22,336 for its Worker, Aged and Disability.
2. Votes the expenditure accordingly.

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**Voting - Unanimous**

## REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Advisory Committee Meeting held Thursday 24 May 2001**

**Community Advisory Committee**

3. **Aboriginal Community Worker Working Group**

**CDSE, Community Advisory Committee**

**1193**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that the CDSE and CSFS funding options be fully investigated and relevant submissions be prepared and submitted if applicable.

**Voting - Unanimous**

**1194**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that the balance of the Minutes of the Community Advisory Committee Meeting be adopted.

**Voting - Unanimous**

2. **Minutes of the Tweed Shire Council Access Advisory Committee Meeting held Thursday 17 May 2001**

**Comm Access Cttee**

1. **Letter of Resignation from Brenda Chapman.**

**Comm Access Cttee**

**1195**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that a letter of thanks be forwarded to Brenda Chapman and that the Committee extends their best wishes.

**Voting - Unanimous**

2. **Letter of Resignation from Ron Douglas**

**Comm Access Cttee**

**1196**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that the letter of request from Ron Douglas be accepted as leave of absence and that a letter of confirmation be forwarded to Mr Douglas.

**Voting - Unanimous**

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## 6. Sexton Hill Pedestrian Access

Comm Access Cttee

1197

Cr Boyd

Cr Marshall

**RESOLVED** that a letter be forwarded to the Traffic Committee.

**Voting - Unanimous**

## 7. Disabled Signage at Tweed Shire Council

Comm Access Cttee

1198

Cr Boyd

Cr Marshall

**RESOLVED** that this item be referred to the Director Environment & Community Services.

**Voting - Unanimous**

1199

Cr Boyd

Cr Marshall

**RESOLVED** that the balance of the Minutes of the Tweed Shire Council Access Advisory Committee Meeting be adopted.

**Voting - Unanimous**

## OUTSTANDING INSPECTIONS

Nil

## ORDERS OF THE DAY

### 1. Main Street Program - Funding Options

Notice of Motion, Wollumbin Street, Street Scaping - M'bah

1200

Cr Marshall

Cr Boyd

**RESOLVED** that the General Manager be requested to investigate funding options with the view of preparing draft concept plans for the re-development of Wollumbin Street, Murwillumbah, under the Main Street Program.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## 2. Home & Community Care Centre, Tweed Heads South

Notice of Motion, 2430.200, Donations, HACC

1201

Cr Boyd

Cr Beck

**RESOLVED** that Council makes the South Tweed Heads Community Centre available, free of charge, to the Twin Towns Friends Association for the purpose of holding their regular meetings.

**Voting - Unanimous**

## 3. Tweed Daily and Daily News - Microfilming

Notice of Motion, Historical Society

1202

Cr Boyd

Cr Carroll

**RESOLVED** that Council meets the balance of the cost of acquiring a Minolta MS3000 Microfilm Digital Scanner Printer valued at \$23,063, to be used in conjunction with the microfilm copies of all back issues of the Tweed Daily and Daily News already procured by a local group of people headed by Mrs Stainlay and Mrs Bornholt.

Note: The amount of \$5,000 is already held in the bank and a further \$6,000 has been promised. Therefore the amount required from Council is approximately \$12,000.

### Voting For

Cr Beck  
Cr Boyd  
Cr Brinsmead  
Cr Carroll  
Cr James  
Cr Luff  
Cr Marshall  
Cr Youngblutt

### Voting Against

Cr Lawrie  
Cr Polglase

## 4. Proposed Highway Service Centre at Lot 2 DP 1010771, Pacific Highway, Chinderah

Notice of Rescission, DA4260/310 Pt2

This item was withdrawn.

## 5. The Erection of a Multi-Dwelling Housing Development Comprising 46 Dwellings (Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South

Notice of Rescission, DA1993/10 Pt5

This item was dealt with earlier in the meeting at Minute No 1170.

# Minutes - Meeting of Tweed Shire Council

## 6. Urban and Rural Roads - Funding

### Notice of Motion, Budget, Roads – Maintenance Program

This item was withdrawn.

## LATE ITEM

1203

Cr Polglase

Cr Marshall

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

### Voting For

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

### Voting Against

Cr James  
Cr Luff

## 6a. Engagement of Consultants

### Dev Consultants-Consultants

1204

Cr Lawrie

Cr Marshall

**RESOLVED** that Council will not accept financial responsibility for any planning consultant's fee unless prior approval has been obtained and recorded and that a written brief must have been issued.

### AMENDMENT 1

Cr Luff

Cr James

**PROPOSED** that Council officers bring forward a report on the implications of Cr Lawrie's proposed Notice of Motion with regard to Council not engaging consultants. The report to canvas:-

- A. Options for Council with regard to hiring consultants or not hiring consultants.
- B. Any increase in administrative costs should the proposal in the Notice of Motion be adopted.

Amendment 1 was **Lost**

# Minutes - Meeting of Tweed Shire Council

## Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

## Voting Against

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

## AMENDMENT 2

**Cr Boyd**

**Cr Carroll**

**PROPOSED** that with regard to the engagement of consultants, the General Manager brings forward a comprehensive report as to the nature and variety of work carried out for Council by consultants.

Amendment 2 was **Lost**

## Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

## Voting Against

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

The Motion was **Carried**

## Voting For

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

## Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

## WORKSHOPS PREVIEW

### 1. Heather Truman – Redlands Tourism

Workshop to be held 27 June 2001 from 4.00pm to 4.30pm.

### 2. TACTIC Workshop

Workshop to be held 27 June 2001 from 4.30pm to 5.30pm.

### 3. Bushfire Management Plan Workshop

Workshop to be held 27 June 2001 from 5.30pm to 6.30pm.

# Minutes - Meeting of Tweed Shire Council

1205

**Cr Beck**

**Cr Marshall**

**RESOLVED** that Council schedules Workshops on:-

- Agenda 21
- Public Toilets and facilities within the Shire.

**Voting – Unanimous**

## QUESTION TIME

### 1. Summary of Events including Kingsheath Resort Development

**DA1180/10 Pt5**

**Cr Boyd**

Requested that a report be brought forward which will provide Councillors with a summary of events including the current status of the Kingsheath Resort Development.

The General Manager responded that a report will be prepared.

### 2. Building Approvals

**Building-General**

**Cr Boyd**

Requested a report covering Building Approvals over the last 10 years which includes the number of buildings, their value and if possible, their classification.

The Director Environment & Community Services responded that a report will be prepared.

### 3. Supplying Plants to Council Chambers for Meetings and Other Events

**Civic Centre, Murwillumbah**

**Cr Marshall**

Enquired as to the cost of supplying plants to the Council Chambers for Council Meetings and other events.

The General Manager responded that such information would be provided.

### 4. Development Approval Conditions – Permaculture Institute

**PF5160/30 Pt2**

**Cr Marshall**

Enquired as to the current status of enforcing the Development Approval conditions to the Permaculture Institute.

The Acting Director Development Services responded that the Condition of Consent required work be done by 5 May 2001 – advice has been received that the development will not be proceeding and that the consent will be surrendered.



# Minutes - Meeting of Tweed Shire Council

## COMMITTEE OF THE WHOLE

1206

Cr Marshall

Cr Polglase

**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:-

## TEMPORARY ABSENCE FROM MEETING

Cr Luff left the meeting.

## ITEMS DEFERRED IN COMMITTEE

1. **Validity of Development Consent 96/519 for an Integrated Tourist Resort at Lot 5 DP 822786, Lot 31 DP 850230 Marana Street and Part Lot 5 DP 789875 Cobaki Road, Bilambil Heights**

**DA3300/25 Pt1**

C235

That:-

1. This item be deferred to allow all Councillors to read the legal advice of Mr Peter Graham QC and to allow Council to obtain advice from it's legal counsel on this matter and its recommendation to come back to Council.
2. This report also includes details of the conditions of approval that have been breached if it is considered that the consent has not lapsed.
3. The above information to be brought before Council at its next meeting.

## RETURN TO MEETING

Cr Luff returned to the meeting.

## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.35pm.

The Motion was **Carried**

# Minutes - Meeting of Tweed Shire Council

## Voting For

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

## Voting Against

Cr Beck

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

## TEMPORARY ABSENCE FROM MEETING

Cr Lawrie left the meeting.

1. **Development Application 1038/2000DA for a Five (5) Lot Subdivision at Lot 1 DP 601049 Clothiers Creek Road, Tanglewood**

**DA1160/1010 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*

**C236**

That the Class 4 application in the Land and Environment Court in relation to Development Application 1038/2000DA be defended by Council.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

## DECLARATION OF INTEREST

Cr Beck declared an interest in Item No 2, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Beck's mother is a landowner in the subject area.

2. **Investigation**

**GT1/LEP/A113 Pt6, Staff Conduct**

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

*(f) matters affecting the security of the council, councillors, council staff or council property*

**C237**

That Council refers this letter to the Director General, Department of Local Government for his consideration as to whether it should be included as part of the current enquiry or, alternatively, it should become a separate enquiry.

# Minutes - Meeting of Tweed Shire Council

**Voting - Unanimous**

## RETURN TO MEETING

Cr Lawrie returned to the meeting.  
Cr Beck returned to the meeting.

## REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

### 3. Tender EC2001-43 Manufacture, Supply and Delivery of 1030mm Nominal Internal Diameter Pressure Pipe

GC12/1-2 Pt2

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

*(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*

**C238**

That the submission from Tyco Water Pty Ltd for the Manufacture, Supply and Delivery of 1300m of 1030mm Nominal Internal Diameter Pressure Pipe for the total price of \$565,500 be accepted.

**Voting - Unanimous**

### 4. Access Provisions for Local Government Water Services (Power of Entry)

Water Directorate, Consent to Enter

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

*(f) matters affecting the security of the council, councillors, council staff or council property*

**C239**

That:-

1. This report be received and noted.
2. Council notes that the Water Directorate is awaiting a formal response from the Department of Local Government and endorses such action.
3. Council be kept informed of progress on this matter.
4. Council advises the Water Directorate that it would be prepared to take up the matter with the local member and other action as appropriate if the Water Directorate is unable to satisfactorily resolved the matter with the Department of Local Government.

**Voting - Unanimous**

### 5. EC200136 Supply of Pressure Pipe & Various Water Service Fittings

Contracts – Annual Supply

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

*(d) commercial information of a confidential nature that would, if disclosed:*

- (i) prejudice the commercial position of the person who supplied it, or*

# Minutes - Meeting of Tweed Shire Council

- (ii) *confer a commercial advantage on a competitor of the council, or*
- (iii) *reveal a trade secret*

## C240

That:-

1. Council continues its use of DICL as its preferred water main pipe material but also carries out limited strategic trials for the M-UPVC product.
2. The Air Valve item be withdrawn from the tender and the item be re-tendered to enable specific Air Valve fitting specifications requirements to be addressed.
3. Items Gasket Rubbers, Stainless Steel Nuts and Bolts and Sewer Manhole Covers be withdrawn from the tender and the items be re-tendered and prices sourced from a wider range of suppliers.
4. Iplex Pipelines' submission for the supply of M-UPVC Sewer Rising Main Pipe be accepted.
5. Contractors listed in the body of the report be awarded supply Contracts for the nominated items for the period 1 July, 2001 to 30 June, 2002.

**Voting - Unanimous**

6. **EQ200149 Licence to Operate Water Based Activities on Waterways in the Tweed Shire Area**

**Quotations - Waterways**

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

*(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*

## C241

That:-

1. The Water Based Activities and Licence Fees tendered for the 2001/2002 Water Based Activities be accepted and licences be issued to the following:-
  - a. Wet & Dry Water Sports
  - b. Graeme Heggie
  - c. R G Modystack
  - d. Dolphin Water Sports
  - e. Glenn Keys
2. All necessary documentation be completed under the Common Seal of Council.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

### 7. Proposed Share Farming Licence of Lot 602 DP 1001049 Eviron Road to R Quirk 1960.541

*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.*

C242

That:-

1. Council enters into a ten (10) year share farming licence for the existing cane land on Lot 602 DP 1001049 Eviron Road, Eviron with Mr Robert Quirk as per the terms of this report.
2. All necessary documentation be completed under the Common Seal of Council.

**Voting - Unanimous**

## DECLARATION OF INTEREST

Cr Boyd declared an interest in Item No 8, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Boyd's family has a memorial erected in the subject area.

### 8. Commemorative Plaque

**Point Danger, Beaches – Use of, Cemeteries – Tweed Valley**

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

*(a) personnel matters concerning particular individuals*

C243

That Mr Price be invited to discuss with Council officers the possibility of a similar proposal to that in his letter.

#### **Voting For**

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

#### **Voting Against**

Cr Carroll  
Cr James  
Cr Luff

## RETURN TO MEETING

Cr Boyd returned to the meeting.

# Minutes - Meeting of Tweed Shire Council

## URGENCY MOTION

### C244

That Council deals with DA2230/325, being an Item not listed on the Agenda, as a matter of urgency.

**Voting – Unanimous**

**Development on Lot 5, DP 24376, Lot 4 DP 24376, Lot B DP 102496, Lot B DP 372324, Lot 3 DP 825580 Marine Parade, Kingscliff**

**DA2230/325 Pt1**

## DECLARATION OF INTEREST

Cr Brinsmead declared an interest in the Urgency Motion subject, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead's son is the legal adviser to the organisation the subject of the Urgency Motion.

### C245

That Council convenes an extraordinary meeting on Wednesday, 27 June 2001, to consider a report on the development application for a mixed use development on Lot 5, DP 24376, Lot 4 DP 24376, Lot B DP 102496, Lot B DP 372324, Lot 3 DP 825580 Marine Parade, Kingscliff

**Voting – Unanimous**

## RETURN TO MEETING

Cr Brinsmead returned to the meeting.

### 1207

**Cr Youngblutt**

**Cr Luff**

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

**Voting - Unanimous**

There being no further business the Meeting terminated at 9.00pm.



**Minutes of Meeting Confirmed by Council**

**at Meeting held**

# Minutes - Meeting of Tweed Shire Council

I hereby certify that I have authorised the affixing of my  
electronic signature to the previous pages numbered 1 to 31 of these Minutes

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Chairman