

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services), Mr Geoff Edwards (Acting Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

Cr Luff was not present at the commencement of the meeting.

The meeting opened with a Prayer by Council's Chaplain, Reverend Ian Hartland.

***"How good and pleasant it is when brothers (and sisters) live together in unity!
For there the LORD bestows His blessing, even life forevermore."*** (Psalm 133:1, 3)

God of mercy and grace, we humbly acknowledge our need of You, and seek Your guiding in our meeting today. Grant us wisdom, grace, compassion, courage and understanding as we consider the matters before us. Enable us to make the right decisions so that the lives of the people of our Shire will be enriched.

Help us listen to one another and to be gracious with each other. Lord, bring unity within the Council so that notwithstanding our differences we may work together to bring our Shire to its full potential. Give us a vision of what our Shire can be! We thank You for the natural beauty and the abundant resources which are ours.

O God, we pray for each other; for our Mayor, Warren, and for our Directors and their staff. Let Your Spirit be upon us and Your peace fill this chamber; for we ask it in the Name of Jesus Christ our Lord. Amen."

CONFIRMATION OF MINUTES

688

Cr Davidson

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 6 February 2002 be confirmed as an accurate record of the proceedings of that Meeting, with the following amendment to Minute No 679:

Voting against to include Crs Beck and Lawrie.

Voting - Unanimous

ABSENT

Nil

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DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Cr James

Cr Carroll

PROPOSED that Item 1 of Items Deferred In Committee be moved from Confidential to Ordinary.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.15pm.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

Cr Luff

Cr James

PROPOSED that Item 1 of Reports from Director Development Services In Committee be moved from Confidential to Ordinary.

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

SCHEDULE OF OUTSTANDING RESOLUTIONS

689

Cr Davidson

Cr Marshall

RESOLVED that this report be received and noted.

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Voting - Unanimous

MAYORAL MINUTE

1. Red Cross Lismore

This item was received and noted.

Red Cross

2. Kirkwood Constructions

This item was received and noted.

Industrial Development

3. Tweed Natural High Campaign

This item was received and noted.

Drug Related Matters

4. Lifeworx

This item was received and noted.

Parks – Jack Evans Boat Harbour

5. DUAP Strategic Plan for Rural Land for Region

This item was received and noted.

Rural Land Study

6. Bilambil Sports Club

This item was received and noted.

Bilambil Sports Complex

7. Banora Point Community Baptist Church

This item was received and noted.

Invitations

8. St Vincent de Paul Centre Tweed Heads

This item was received and noted.

Invitations

9. Tweed Chamber of Commerce

This item was received and noted.

Invitations

10. Kingscliff & District Business Corp

This item was received and noted.

Invitations

11. Qld ex POW Association Inc

This item was received and noted.

Invitations

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12. Aboriginal & Torres Strait Islander

Aboriginal Matters

This item was received and noted.

13. Bush Fire Appeal

Rural Fire Service

This item was received and noted.

14. South Tweed Shopping Centre

Invitations

This item was received and noted.

15. Citizenship Ceremony

Citizenship

This item was received and noted.

16. Centaur School

Invitations

This item was received and noted.

17. Huladao Municipal People's Government

Sister Cities

This item was received and noted.

Adoption of Mayoral Minute

690

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

4. **Section 96 Application 0090/2001 S96 to Modify Development Consent D90/436 for the Erection of a Tavern and 9 Shops at Lot 171, DP629328 Overall Drive Pottsville**

PF3975/145 Pt6

691

Cr Boyd

Cr Luff

RESOLVED that Section 96 Application 0090/2001 S96 to modify Development Consent D90/436 for the erection of a Tavern and 9 Shops at Lot 171, DP 629328 Overall Drive Pottsville be refused for the following reason:

1. The proposed increase in trading hours will have a significantly adverse impact upon the existing amenity of the surrounding residential area.

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Voting For

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

Voting Against

Cr Brinsmead

17. Tweed Shire Council Lease from St George Building Society

PF4040/160; DW641143; Leases-Special

Cr Boyd

Cr James

PROPOSED that: -

1. Council agrees to undertake a one (1) year lease commitment from 1 March 2002 for the St George Bank building at 41 Wharf Street, Tweed Heads at nil net cost to Council, with a commitment from the sub-lessees to remain in the building and to continue to be responsible for the payment of the cost of the leased premises.
2. All necessary documents be completed under the Common Seal of Council.

AMENDMENT 1

692

Cr Marshall

Cr Brinsmead

RESOLVED that Council defers this item pending an outcome on TACTIC funding and that the current month-by-month leasing arrangement continues.

Amendment 1 was **Carried**

Voting For

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

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

AMENDMENT 2

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Cr Luff

Cr Boyd

PROPOSED that Council defers this item to seek a commitment from the sub-lessees to remain in the building and willingness to continue to be responsible for the payment of the cost of the leased premises.

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

Amendment 1 on becoming the Motion was **Carried**

Voting For

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

Voting Against

Cr Carroll

**8. World Heritage Rainforest Centre (WHRC) Memorandum of Understanding
Tourist Information Centre - Murwillumbah; NPWS; TACTIC; Agreements**

Cr Boyd

Cr Beck

PROPOSED that this matter be deferred pending information being obtained from either Tweed and Coolangatta Tourism Inc. (TACTIC) or National Parks and Wildlife Services (NPWS) with regard to the cost of maintenance of the interpretive component of the centre.

AMENDMENT

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693

Cr Luff

Cr James

RESOLVED that the draft Memorandum of Understanding between the National Parks and Wildlife Service (NPWS), Tweed and Coolangatta Tourism Inc (TACTIC) and Tweed Shire Council be signed by the General Manager, subject to:

1. The agreement being signed by National Parks & Wildlife Service (NPWS) and Tweed and Coolangatta Tourism Inc (TACTIC).
2. A routine building and maintenance schedule being satisfactorily agreed between National Parks and Wildlife Service (NPWS), Tweed and Coolangatta Tourism Inc (TACTIC) and Council.
3. The cost of maintaining the interpretive centre be fully borne by the lessees of the complex.

The Amendment was **Carried**

Voting For

Cr Brinsmead
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Beck
Cr Boyd
Cr Carroll

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

Voting For

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

Voting Against

Cr Boyd

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. Tweed Heads West Industrial Locality Plan

Industrial Land Investigation Study; Airport - Coolangatta/Tweed

694

Cr Polglase

Cr Davidson

RESOLVED that the Mayor writes to the Minister for Planning and the Director-General for planningNSW recommending that the Regional Coordinator organises a meeting between:

- planningNSW
- Department of State and Regional Development (NSW)
- Queensland State Development
- National Parks & Wildlife Service (NSW)
- Department of Land and Water Conservation
- Roads and Traffic Authority (NSW)
- Queensland Department of Main Roads
- Tweed Shire Council

to discuss the options for employment generation and environmental preservation within the area identified in the report "Tweed Heads West Industrial Locality Plan".

AMENDMENT

Cr James

Cr Luff

PROPOSED that:

1. The *Tweed Heads West Industrial Locality Plan* be endorsed as Council's strategic direction for the industrial land within the area and its recommendations be endorsed with the exception of the area identified for possible industrial use north of Parkes Road and east of Lot 319 (Crown Reserve):
 - a. *That Council defers a decision to undertake a Tweed Local Environmental Plan Amendment for industrial purposes for those areas identified in this report until the Minister for Urban Affairs and Planning has determined the Tugun Bypass including the outcomes of the associated Environmental Impact Statement;*
 - b. *That internal access options 2 is the preferred internal traffic network using Parks Drive to gain access to the Tugun Bypass;*
 - c. *That Parkes Drive and the extension to the small industrial lot facing Tringa Street are included into the Tweed Roads Contribution Plan. All other roads should be the responsibility of the developers;*

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- d. *That the proposed buffer guidelines be reproduced into a draft Development Control Plan for the area to safeguard the use rights of the Tweed Heads Sewerage Treatment Plant;*
 - e. *That the internal traffic options and sewerage treatment buffers be expressed in a Development Control Plan;”*
2. Council advises the landowners of the parcels identified within the area identified in the report *Tweed Heads West Locality Review* that, until the Minister for Urban Affairs and Planning has determined any application for the Tugun Bypass, a Tweed Local Environmental Plan Amendment will not be undertaken for the area;
 3. Council notifies the National Parks and Wildlife Service of Council’s strategic intentions for industrial areas as Tweed Heads West.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting - Unanimous

2. **Urban Planning and Management Conference, Darling Harbour 25 - 27 March 2002**

Development/Conferences

695

Cr Beck

Cr Marshall

RESOLVED that Council endorses any Councillor interested in attending the Urban Planning and Management Conference at the Park Royal Darling Harbour 25 - 27 March 2002.

Voting - Unanimous

3. **Section 96 Application 0090/2001S96 to Modify Development Consent D90/436 for the Erection of a Tavern and Nine (9) Shops at Lot 171 DP 629328, Overall Drive, Pottsville**

PF3975/145 Pt6

This item was dealt with at Minute No 691.

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LATE ITEMS

696

Cr Beck

Cr Marshall

RESOLVED that Items 3a, 3b and 3c being Addenda items be dealt with and they be ruled by the Chairman to be of great urgency.

Voting - Unanimous

3a. The Erection of Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff

DA5345/280 Pt1

697

Cr Beck

Cr Davidson

RESOLVED that this item be deferred at the request of the applicant.

Voting - Unanimous

3b. Design Quality Program - planningNSW

DCP; SEPP; Acts & Ordinances - EPA

698

Cr James

Cr Boyd

RESOLVED that Council:-

1. Makes submissions for funding to planningNSW under the Design Quality Program - Residential Design Fund for the preparation of a Development Control Plan for Cabarita Beach/Bogangar – as first priority and the preparation of a Development Control Plan for West Kingscliff – as second priority.
2. Advises planningNSW that \$10,000 will be considered for each of the Development Control Plans for Cabarita Beach/Bogangar and for West Kingscliff for the March review of the 2001/2002 Budget subject to approvals from planningNSW for one or both of the projects.

Voting For

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

Voting Against

Cr Beck

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3c. Development Application: Tourist Resort and Residential Allotments at Lot 1 DP 1027531 Casuarina Way, South Kingscliff

DA0989/5 Pt3

699

Cr Brinsmead

Cr Youngblutt

RESOLVED that Council advises the applicant that for this Development Application to be acceptable for potential approval – subject to other merit considerations based on the following principles:

1. A condition be imposed upon the Development Application for the resort and subdivision which requires the applicant to comply with Fire Management Plan as approved by Council in respect of Casuarina Beach Stage 2 on or about 6 June 2000.
2. A condition be imposed upon the Development Application for the resort and subdivision which ensures that there will be no stormwater drainage overflow onto Lot 500 at or below the 1% probability flood event standard.
3. The infiltration basin proposed in the 7(f) zone in respect of the tourist resort be approved in the proposed location.
4. The proposed subdivision application be approved in the format as lodged with the oceanfront residential lots being lots as contained in the 2(e) zone and 7(f) zone as has been the case for Casuarina Beach.
5. That the proposal complies with the intent of the North Coast Regional Plan and the objectives for Coastal Development as set out in Clause 32(B) of the North Coast Regional Environmental Plan.

700

Cr Beck

Cr Youngblutt

RESOLVED that an extension of 5 minutes be granted to Cr Brinsmead.

Voting - Unanimous

AMENDMENT 1

Cr Luff

Cr Boyd

PROPOSED that Council advises the applicant that for this Development Application to be acceptable for potential approval – subject to other merit considerations – it must be modified based upon the following principles:

1. The provision of a minimum of 20 metres as a fire buffer zone in addition to the 10 metres already committed over the cycleway and car parking area – making a total of 30 metres fire buffer zone from the northern boundary of the Cudgen Nature Reserve. The 20 metre additional buffer zone should be a fuel free zone with fire retardant little

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rainforest species being incorporated with the National Parks and Wildlife Service letter dated 10 January 2002;

2. Ensuring that there will be no stormwater drainage overflow onto Lot 500 at or below the 1% probability flood event standard;
3. The layout design for the proposed tourist resort and residential allotments be modified to retain the maximum amount of coastal Banksia cover in the Environmental Protection 7(f) zone – except in minimal land re-profiling to drain the north-eastern corner of the site. Such minimisation of coastal Banksia removal should include the relocation as necessary of infiltration basin onto the lands zoned Residential Tourist 2(e);
4. The non-acceptance of that part of the residential subdivision in the Environmental Protection Coastal Lands 7(f) zone. The land within the site that is zoned Environmental Protection Coastal Lands 7(f) should become part of the tourist resort allotment and a management plan being submitted associated with the development application for that land and based upon the maximum retention of coastal Banksia. All of the land within the site zoned Environmental Protection 7(f) Coastal Lands should be transferred to public ownership – as was embodied in the Minister’s Consent for the Kingsheath Club of Clubs application. This should be part of negotiations but is acknowledged as being beyond the Casuarina Beach Stage One Consent and related Deed of Agreement.
5. The relocation of the building structures that partially cause overshadowing of the public open space and Lot 500 to the east – such relocation can ensure compliance with Clause 32(B) of the North Coast Regional Plan 1988.

701

Cr Luff

Cr Boyd

RESOLVED that an extension of 5 minutes be granted to Cr James.

Voting For

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

Voting Against

Cr Beck

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PROCEDURAL MOTION

702

Cr Youngblutt

RESOLVED that the motion be put.

The Procedural Motion was **Carried**

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Polglase
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Amendment 1 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

AMENDMENT 2

Cr James

Cr Boyd

PROPOSED that Council advises the applicant that for this Development Application to be acceptable for potential approval – subject to other merit considerations – it must be modified based upon the following principles:

1. The provision of a minimum of 20 metres as a fire buffer zone in addition to the 10 metres already committed over the cycleway and car parking area – making a total of 30 metres fire buffer zone from the northern boundary of the Cudgen Nature Reserve. The 20 metre additional buffer zone should be a fuel free zone with fire retardant little rainforest species being incorporated with the National Parks and Wildlife Service letter dated 10 January 2002;
2. Ensuring that there will be no stormwater drainage overflow onto Lot 500 at or below the 1% probability flood event standard;
3. The layout design for the proposed tourist resort and residential allotments be so that the infiltration basin is located entirely on the lands zoned Residential Tourist 2(e);

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4. The relocation of the building structures that partially cause overshadowing of the public open space and Lot 500 to the east – such relocation can ensure compliance with Clause 32(B) of the North Coast Regional Plan 1988.

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

AMENDMENT 3

Cr Luff

Cr Boyd

PROPOSED that this item be deferred to allow Council officers to make comment and report to Council on the issues raised in the debate arising from Cr Brinsmead's motion.

Amendment 3 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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Request for Apology from Mr Kevin McCready (Public Gallery)

Council Meetings

The Mayor asked Mr Kevin McCready who was seated in the public gallery if he intended to make an apology for his comments made at the Community Access Meeting of 13 February 2002.

Mr McCready responded that he intended to make a representation to Council at the next Community Access Meeting to be held on 13 March 2002.

703

Cr Lawrie

Cr Youngblutt

RESOLVED the Mr Kevin McCready be removed from the public gallery until he unreservedly apologises.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm.

Cr Lawrie was not present at the commencement of the meeting.

REPORTS FROM DIRECTOR CORPORATE SERVICES

4. Local Government Boundary Changes and Amalgamations

DW650733; Amalgamations

704

Cr Boyd

Cr Davidson

RESOLVED that Council determines the level of response to South Sydney City Council's request.

ATTENDANCE AT MEETING

Cr Lawrie attended the meeting at 7.50pm.

Voting – Unanimous

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5. Councillors Fees, Expenses and Facilities

Councillors - Fees

Cr Boyd

Cr Youngblutt

PROPOSED that the Policy for Councillors Fees, Expenses and Facilities be adopted, excluding Clause C1.1.10 (Gifts to Councillors).

AMENDMENT 1

705

Cr Marshall

Cr Luff

RESOLVED that Council defers this item until the ICAC Workshop is held on 27 March 2002.

Amendment 1 was **Carried**

Voting For

Cr Beck
Cr Brinsmead
Cr Carroll
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Davidson
Cr James

AMENDMENT 2

Cr Luff

Cr James

PROPOSED that the Policy for Councillors Fees, Expenses and Facilities be adopted:

1. Excluding Clause C1.1.7.10 (Christmas Cards).
2. Replacing C1.1.9.5 with "The Mayor is to be given unrestricted use of such vehicle with the council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing petrol, for the purpose of performing mayoral duties.
3. Amending Clause 1.1.9.6 by deleting the words "Private use means".
4. Amending Clause 1.1.10 by replacing \$200 with \$20 and removing the words "officially valued".

Amendment 2 was **Lost**

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Voting For

Cr James
Cr Luff

Voting Against

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

AMENDMENT 3

Cr Beck

Cr Lawrie

PROPOSED that the Policy for Councillors Fees, Expenses and Facilities be adopted.

Amendment 3 was **Lost**

Voting For

Cr Polglase
Cr Beck
Cr Davidson
Cr Lawrie

Voting Against

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

Amendment 1 on becoming the Motion was **Carried**

Voting For

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

Voting Against

Cr James

TEMPORARY ABSENCE FROM MEETING

Cr Marshall left the meeting.

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6. Monthly Investment Report for Period Ending 31 January 2002

Monthly Investment Report

706

Cr Luff

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

7. Quarterly Corporate Report

Quarterly Corporate Report

707

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

8. Nominations for NSW Coastal Council

Coastal Management

708

Cr Boyd

Cr Davidson

RESOLVED that:-

1. Council nominates Cr James for the NSW Coastal Council.
2. Nominations be advised to Robert Verhey at the Local Government & Shires Association by Friday 22 February 2002.

RETURN TO MEETING

Cr Marshall returned to the meeting.

AMENDMENT

Cr Lawrie

Cr Youngblutt

PROPOSED that:

1. Council nominates Cr Brinsmead for the NSW Coastal Council.
2. Nominations be advised to Robert Verhey at the Local Government & Shires Association by Friday 22 February 2002.

The Amendment was **Lost**

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Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie

**9. Clarrie Hall Dam - Australian Bass Association Bass Classic
GW3/3/7 Pt2; Dams - Clarrie Hall - Recreation**

709

Cr Boyd

Cr Luff

RESOLVED that:-

1. Council grants approval to:-
 - (a) The Australian Bass Association Inc using Crams Farm and Clarrie Hall Dam on 18/19 May 2002 for its annual Bass Classic.
 - (b) A camping base being established by Australian Bass Association Inc at Crams Farm on the nights of 17 / 18 May 2002 for the event.
 - (c) A similar event and camping base in November.
2. Council grants approval in principle to Australian Bass Association Inc holding such events annually for the next five (5) years in May, subject to a detailed application being submitted each year and satisfactory performance.
3. All costs incurred with the establishment and removal of the camp are to be the responsibility of the Australian Bass Association Inc.

Voting - Unanimous

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10. Maintenance Limits - Kellehers Road

R2805; DW652741; Kellehers Rd

710

Cr Boyd

Cr Lawrie

RESOLVED that Council:-

1. Relinquishes maintenance responsibility for Kellehers Road from Mooball - Pottsville Road and that a proposal to erect a public gate at the junction with the Mooball – Pottsville Road be advertised for public comment.
2. Advises the applicant of the mandatory requirements for Public Gate Permits as set out in the Public Roads Act 1993.

Voting - Unanimous

11. Acquisition of 42 Lakeview Terrace, Tweed Heads South - Lot 17 Section 18 DP 28390 - for Drainage Purposes

DA2990/430 Pt1; Land-Acquisitions

711

Cr Luff

Cr Marshall

RESOLVED that:-

1. Council agrees to purchase the subject land for the sum of \$55,000.00;
2. Council purchases the land for drainage purposes and the land be classified as operational; and
3. All necessary documents be endorsed under the Common Seal of Council.

Voting - Unanimous

12. Status of Clothiers Creek Road Upgrading between Tanglewood and Bogangar Pacific Motorway; R1160 Pt6; Clothiers Creek Rd

712

Cr Luff

Cr Marshall

RESOLVED that Council proceeds with the preparation and lodgement of appropriate applications under the Environmental Planning and Assessment Act for the proposed widening to Class G standard and relocation of Clothiers Creek Road within the existing road reserve.

TEMPORARY ABSENCE FROM MEETING

Cr Carroll left the meeting.

Voting - Unanimous

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13. Clothiers Creek Road Upgrade Request

R1160 Pt6; Clothiers Creek Rd

713

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

14. Drive to Suit Conditions on Local Rural Roads - Road Safety Grant

Govt Grant - Roads Safety Project

714

Cr Luff

Cr Boyd

RESOLVED that this report be received and noted.

RETURN TO MEETING

Cr Carroll returned to the meeting.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

15. Return Unwanted Medicines (RUM) Project

Drug Related Matters; Tweed Link

715

Cr Luff

Cr Boyd

RESOLVED that Council provides its support to raising consumer awareness about the Return Unwanted Medicines (RUM) project in appropriate ways.

Voting - Unanimous

16. Agreement for Surf Life Saving Services

Surf Lifesaving; Agreements; Beaches - Use Of

716

Cr Luff

Cr Davidson

RESOLVED that :-

1. The provision of beach life saving services to the three non-surf club beaches over the four day 2002 Easter holiday period be approved at the contract price of \$7,140
2. All necessary documentation be executed under the Common Seal of Council.

Voting - Unanimous

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17. Gene Technology Act 2000 - Local Government Implications Genetically Modified Organisms

717

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. Notes of the Community Advisory Committee Meeting held Thursday 17 January 2002

Comm Advisory Committee

2. Community Advisory Committee

Comm Advisory Committee

718

Cr Boyd

Cr Davidson

RESOLVED that:

1. The Committee's recommendation be referred to the Director Environment and Community Services for consideration with relevant staff.
2. Cr Marshall's apology be noted in the Notes of the Community Advisory Committee Meeting.

Voting - Unanimous

719

Cr Boyd

Cr Davidson

RESOLVED that the balance of the Notes of the Community Advisory Committee Meeting be received and noted.

Voting - Unanimous

3. Minutes of the Tweed Coastline Management Plan Steering Committee Meeting held 19 December 2001

File No: Coastline Management Steering Committee

720

Cr Luff

Cr James

RESOLVED that Council:-

1. Proceeds with the development of a Tweed Coastline Management Study and Coastline Management Plan in accordance with the NSW Government Coastline Management Manual.

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2. Provides \$25,000 in the 2001/2002 budget review and up to \$75,000 in the 2002/2003 budget as 50% of the estimated cost of the Tweed Coastline Management Study and Coastline Management Plan.
3. Makes application for up to \$100,000 to the Department of Land & Water Conservation for 50% funding of the Tweed Coastline Management Study and Coastline Management Plan.
4. Proceeds with preparing a brief and call tenders for development of the Tweed Coastline Management Study and Coastline Management Plan.

Voting - Unanimous

721

Cr Luff

Cr James

RESOLVED that the balance of the Minutes of the Tweed Coastline Management Plan Steering Committee Meeting be received and noted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ORDERS OF THE DAY

1. Tweed Local Environmental Plan 1998

Notice of Rescission; GT1/LEP/A113 Pt6

This item was withdrawn.

2. Road Upgrades - Tweed Heads South

Notice of Motion; Leisure Dr; R3035 Pt2

722

Cr Lawrie

Cr Youngblutt

RESOLVED that Council conducts a workshop in the near future on the:-

1. Four-laneing of Leisure Drive, Banora Point;
2. Impact of that on the intersection of Machinery Drive and Minjungbal Drive with the combined impact of further residential traffic from the Shallow Bay residential area;
3. Upgrading of Fraser Drive;
4. Connecting of the two halves of Kirkwood Road, either by way of an overpass or tunnel;
5. Role, perceived and legal, of the Roads and Traffic Authority (RTA) in Council's traffic decision-making; and

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6. Continued expansion of Flame Tree Park, with added traffic from Tweed Heights, Vintage Lakes Estate, Banora Heights, Terranora and Area E.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Marshall

3. Council Telephone System

Notice of Motion; Office Equipment - Telephones

723

Cr Beck

Cr Brinsmead

RESOLVED that the new telephone system be looked into as it is not giving the equivalent service that ratepayers previously were accustomed to receiving.

Voting For

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

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

4. Australia Day Public Holiday

Notice of Motion; Australia Day

724

Cr Beck

Cr Youngblutt

RESOLVED that a letter be sent to the Premier and other relevant Ministers to protest at Australia Day not being designated a Public Holiday with the Public Holiday being celebrated 2 days after Australia Day. Many citizens were unable to attend official functions as they were forced to work so were denied the right to celebrate being an Australian Citizen.

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Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

5. Council Meetings - Expulsions

Notice of Motion; Council Meetings; Code of Conduct

725

Cr Beck

Cr Lawrie

RESOLVED that Standing Orders be changed to include “that a person who is expelled or removed from a Council Meeting shall vacate Floor 1 during office hours and after office hours vacate the Tweed Shire Council building”.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

6. Council Meetings - Security

Notice of Motion; Councillors - General; Council Meetings; Security - Council Bldg

Cr Beck

Cr Youngblutt

PROPOSED that a report be brought forward on the interests of security to Councillors, staff or people in the Council Chambers.

The Motion was **Lost**

Voting For

Cr Beck
Cr Lawrie
Cr Marshall

Voting Against

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

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LEAVE OF ABSENCE

726

Cr Youngblutt

Cr Lawrie

RESOLVED that Cr George Davidson be granted leave of absence from 27 March to 22 April 2002.

Voting – Unanimous

URGENCY MOTION

Letter of Explanation – Illegal Clearing, The Anchorage

Land Development – The Anchorage; Illegal Land Clearing

727

Cr Polglase

RESOLVED that the Urgency Motion be dealt with.

Voting - Unanimous

Cr Beck

Cr Lawrie

PROPOSED that a letter be sent to the residents of Island Drive expressing regret for the embarrassment caused by having a photo of their property published in the Tweed Link with regard to illegal clearing at The Anchorage Island.

PROCEDURAL MOTION

728

Cr Marshall

Cr Youngblutt

RESOLVED that the motion be put.

The Procedural Motion was **Carried**

Voting - Unanimous

The Motion was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Voting Against

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

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WORKSHOPS PREVIEW

1. **Dual Occupancy LEP Workshop**
2. **State Highway Handover**
3. **Draft LEP 2000 Amendment 16 Workshop**
4. **Terranora Lodge Workshop**

This item was received and noted.

QUESTION TIME

Nil

COMMITTEE OF THE WHOLE

729

Cr Youngblutt

Cr Davidson

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:-

ITEMS DEFERRED IN COMMITTEE

1. **Illegal Clearing - Lot 156 DP 628026, Creek Street, Hastings Point**
PF1431/190 Pt 4; Illegal Land Clearing
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

C167

That Council defers any decision in relation to this matter until Bolster & Co Solicitors have been given the opportunity to provide within 30 days a history of previous use of the property from the deceased estate.

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Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

- 1. Clearing of Vegetation within Lot 500 DP727420 (Crown Land) - Casuarina Beach GS4/96/135 Pt20; Casuarina Dev; Illegal Land Clearing**

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 in the absence of any clear evidence of who was responsible for the unauthorised clearing of land on Lot 500 DP 727420 (Crown Land), Casuarina, Council takes no further action.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

- 2. Removal and Disposal / Reuse of Biosolids from Banora Point Sewage Treatment Plant**

Sewerage - Biosolids

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

- (d) commercial information of a confidential nature that would, if disclosed:*
- prejudice the commercial position of the person who supplied it, or*
 - confer a commercial advantage on a competitor of the council, or*
 - reveal a trade secret*

C170

That Contract Number EC2002-5 for the Removal and Disposal / Reuse of Biosolids from Banora Point Sewage Treatment Plant be awarded to Arkwood Pty Ltd for the rate per wet tonne of biosolids removed of \$38.20 plus \$3.82 GST.

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TEMPORARY ABSENCE FROM MEETING

Cr Lawrie left the meeting.

Voting - Unanimous

3. Commercial Operations on Clarrie Hall Dam: 2001 / 2002

Dams - Clarrie Hall - Recreation

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*

C171

That a Licence to Operate a Commercial Sight Seeing Charter on the Clarrie Hall Dam waterways until the 30 June 2002 be issued to Southern Oceans and Rivers

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4. Bilambil Sports Club

Bilambil Sports Complex; Leases - Ccl Ppty; 530.760; 530.755

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*

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*

C172

That Council:

1. Defers this item, pending figures being supplied by Council officers for a minimum leasing charge.
2. Provides further information on possible ten (10) year terms.

Voting For

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

Voting Against

Cr Polglase
Cr Davidson
Cr Lawrie
Cr Youngblutt

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730

Cr Luff

Cr Boyd

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 11.10pm.



Minutes of Meeting Confirmed by Council

at Meeting held

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 30 of these Minutes**

Chairman