

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 Mr David Broyd (Acting General Manager), Mr Mike Rayner (Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Ms Joyce Lillyin (Acting Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

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

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

***"The Lord is good to all;
He has compassion on all He has made."*** (Psalm 145:9)

God of steadfast love, You meet us in our need and show compassion and grace to all. Father, we pause to remember those who are affected by the drought across our land. O God, send the life-giving rain we so desperately need.

We turn to You today and seek Your guidance as we make our decisions on the matters before us. Grant us wisdom, discernment and grace that we might look at each issue impartially and honestly so that we can make our decisions with openness, integrity and justice.

Eternal God, we recognise our own prejudice and bias and You alone can set us free from those things which would hinder our decision-making. Guide our thoughts and guard our tongues so that all we say and do will be with grace and dignity. Enable us to see each other as colleagues rather than as rivals. Give us the will to work together in unity and peace to bring our Shire to its full potential.

Loving God, place Your hand upon our Mayor, Warren, and guide him as he gives leadership within our Shire.

Lord, we humbly ask these things in the Name of Jesus Christ our Lord. Amen

CONFIRMATION OF MINUTES

404

Cr Boyd

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 16 October 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

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405

Cr Boyd

Cr Youngblutt

RESOLVED that the Minutes of the Extraordinary Meeting held 30 October 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil

DISCLOSURE OF INTEREST

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 10.

The nature of the interest is that Cr Brinsmead's son is the principal of the law firm involved in this item.

DECLARATION OF INTEREST

Cr Boyd

Declared an interest in Item No 25.

The nature of the interest is that Cr Boyd is a Rotarian.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

406

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Ray White – Tweed Heads

This item was received and noted.

Councillors' Invitations

2. Fulton Trotter & Partners

This item was received and noted.

Councillors' Invitations

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3. Tweed Theatre Company

This item was received and noted.

Councillors' Invitations

4. Murwillumbah Hospital

This item was received and noted.

Councillors' Invitations

5. Chillingham "Bean Tree Walk"

This item was received and noted.

Councillors' Invitations

6. Casuarina Beach

This item was received and noted.

Councillors' Invitations

7. Casuarina Beach

This item was received and noted.

Councillors' Invitations

8. Tweed Coast Business Corp

This item was received and noted.

Councillors' Invitations

9. Tweed Coastline Management Study

This item was received and noted.

Councillors' Invitations

10. Water Week Plumbers Information Night

This item was received and noted.

Councillors' Invitations

11. Home Based Business Breakfast

This item was received and noted.

Councillors' Invitations

12. TEDC

This item was received and noted.

Councillors' Invitations

13. Cooloon Children's Centre

This item was received and noted.

Councillors' Invitations

14. Tweed Coast Community Baptist Church

This item was received and noted.

Councillors' Invitations

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15. National Australia Day Walk

This item was received and noted.

Councillors' Invitations

16. Honda Indy

This item was received and noted.

Councillors' Invitations

17. Australian Airlines – Asia to Gold Coast Flight

This item was received and noted.

Councillors' Invitations

18. Volunteering Tweed

This item was received and noted.

Councillors' Invitations

19. Public Meeting – Boat Ramps

This item was received and noted.

Councillors' Invitations

20. Citizenship Ceremony

This item was received and noted.

GC6/5 Pt 5

21. Uniting Church

This item was received and noted.

Councillors' Invitations

22. Meet with Federal Government Ministers

This item was received and noted.

Councillors' Invitations

23. Alan Border Walk – Trek for Kids

This item was received and noted.

Councillors' Invitations

24. Coast to Coast Conference

This item was received and noted.

Councillors' Invitations

25. Melbourne Cup Day

This item was received and noted.

Councillors' Invitations

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Adoption of Mayoral Minute

407

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

Nil

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. **State Environmental Planning Policy (SEPP) 71 – Coastal Protection
State Environmental Planning Policy – SEPP; Coastal Management; Beaches – Use of;
Pollution - Water**

408

Cr Luff

Cr Marshall

RESOLVED that this item be deferred to later in the meeting so a detailed map of the area can be presented to Councillors.

Voting - Unanimous

3. **Proposed Junior High School at Lot 1132 DP 842500 Eucalyptus Drive, Banora Point**

DA02/1058 Pt2; 1917.30

409

Cr Boyd

Cr Luff

RESOLVED that:-

- A. Subject to agreement pursuant to Section 116C of the Environmental Planning and Assessment Act 1979 of all conditions by the applicant, Development Application DA02/1058 for proposed junior high school at Lot 1132 DP 842500 Eucalyptus Drive, Banora Point be approved subject to the following conditions.

GENERAL

1. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
2. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos TDA01, DA2, DA3, DA4, DA5 & DA6 prepared by Department Public Works, except where varied by these conditions.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

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4. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

PRIOR TO COMMENCEMENT OF WORK

5. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Section 64 Contributions must be paid and a "Certificate of Compliance" signed by an authorised officer of Council prior to the commencement of works.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water:	41 ET @ \$4000	\$164000
Sewer:	41 ET @ \$3275	\$134275

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

6. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorized and has passed an RTA approved training course, and submitted to Council for recording, prior to commencement of work. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
7. Any premises proposing to discharge into Councils sewerage system a wastewater other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to discharge to Council's sewerage systems.
8. It is advised that the site is outside the 20 ANEF contour however may be affected by aircraft noise and the planning and design of the school should have regard to this.
9. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved prior to commencement of works.

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10. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
11. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
12. Prior to commencement of any works on the site a plumbing and drainage inspection fee calculated in accordance with Councils fees and charges is to be submitted to Council.
13. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.
14. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
15. A cash contribution of \$35000 is required to be paid in accordance with DUAP circular D6 for the inclusion of pedestrian crossing phases to be incorporated with Council's proposed signalised intersection of Leisure Drive and Eucalyptus Drive prior to commencement of works.

DURING CONSTRUCTION

16. A 3 metre reinforced concrete footpath is to be constructed along the entire road frontage of the development (including both Eucalyptus Drive and Leisure Drive), except for the full frontage of the bus bay located in front of the school along Eucalyptus Drive. The reinforced concrete footpath along the entire bus bay frontage is to be 4 metres wide. Unless otherwise indicated on the approved drawings, it shall be constructed to the following standards: The concrete slab shall be 100mm thick N25 mPa with one layer of F72 reinforcing mesh (top cover 30mm). The footpath shall be graded towards the street with a crossfall not exceeding (2.5%). The floor of the prepared construction box shall be not less

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than 150mm below finished surface level and the sub-base pre-compacted for a minimum depth of 75mm to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1. Not less than 50mm of moist compacted sand shall be placed between the sub-base and the concrete slab. The slab shall be formed in panels not greater than 6.1m x 4m separated by full depth construction joints, such panels to be edged on all sides with a compressive joint filler strip (Jointex, or similar). The surface shall wood float finished with the construction joint edges steel trowelled. The pathway shall be joined smoothly to abut footpaths by gradually easing levels on both sides of the join line if necessary. All existing access points to public utilities shall be adjusted so that access cover plates are flush with the finished surface, and no raised edges shall protrude more than 8mm above finished surface levels within the pedestrian trafficked areas of the path.

A Traffic Safety Plan covering all aspects of the proposed work within the public road reserve shall be submitted to and approved by the Director of Engineering Services prior to commencing work on the footpath. A minimum of twenty four hours notice of intention to place concrete is to be given to the Director of Engineering Services to allow inspection of formwork, bedding and site safety provisions.

17. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
18. Permanent Stormwater Quality Treatment
 - (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modeling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management

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practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

19. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
20. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
21. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
23. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
24. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited unless a condition report of potentially affected premises is undertaken prior to use.
25. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
26. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good

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any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

27. All necessary precautions shall be taken to minimise impact from dust during earthwork operations from the site and also from construction vehicles.
28. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
29. The burning of builders waste on site by open fire is prohibited.
30. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
31. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
32. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
33. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

34. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
35. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

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36. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
37. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
38. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 500C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
39. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
40. The following roadworks, drainage and associated works shall be carried out to the satisfaction of Director Engineering Services in accordance with engineering plans to be submitted and approved prior to commencement of works. The engineering plans are to comply with the relevant Australian Standards, Austroads and RTA Standards.
 - a) Provide 45 carparking spaces at 90-degree angle (front to kerb) along the Eucalyptus frontage of the high school, between the school bus entry and exit driveways.
 - b) Provide 10 parallel spaces along the southern boundary of Leisure Drive (east of Eucalyptus Drive) in the form of signposted kerb side parking.
 - c) Provide 15 parallel carparking spaces along the southern boundary of Leisure Drive (west of Eucalyptus Drive, ie High School frontage)
 - d) At least 10 carparking spaces are to be provided in the indented bay within Eucalyptus Drive adjacent to Centaur Primary School after 3.30pm (excluding the bus zone)
 - e) Construction of a roundabout at the intersection of the entry point to the High School and Eucalyptus Drive in accordance with Austroads Part 6 'Roundabouts'.

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- f) On site formalised carparking with a minimum 100 spaces comprising 75 for staff and 25 for visitors.
 - g) An onsite bus set down/pickup zone to accommodate a peak accumulation of 5 buses is to be provided. Additional " layover" space for up to 3 buses is to be provided within the Primary School bus bay opposite.
 - h) Provide storage facilities for a minimum 50 bicycle spaces.
 - i) Overhead street lighting is to be provided for the on-site carpark in accordance with the relevant Australian Standard.
 - j) The construction of a pedestrian fence is required along the entire property frontage in Leisure Drive. The fence is to be designed so that vehicle/pedestrian access is not obscured at conflict areas.
 - k) The delivery area shown on the undated engineering drawing titled ' Site Plan and Setout' prepared by NSW Department of Public Works and Services is to be moved to avoid conflict with pedestrian pathways. The delivery area is to be separated from the pedestrian pathways. Fencing of the service area is required if vehicles are required to reverse.
 - l) A marked pedestrian crossing is to be provided across the bus setdown area. Sufficient visibility is to be provided for pedestrians is to be included in the design which includes no bus parking 20 metres in advance and 10 metres beyond the crossing. Otherwise kerb blisters with site crossing distance as defined by Austroads Part 13 Guide to Engineering Practice are to be used.
 - m) The parent setdown area is to be located so that pedestrian paths do not conflict with vehicles.
41. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director Development Services.
42. Should any excavation works extend beyond the extent of the existing fill on the site a Acid Sulphate Soils management plan is to be prepared in accordance with guidelines published by the Environmental Protection Authority. Should such a plan be required to be prepared then all works are to be undertaken in accordance with this plan.

USE

43. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
44. A provision is to be made for a 30 minute stagger in the end time of classes for the Centaur Primary School and the proposed Banora Point High School to allow effective and efficient use of short term parking needs generated by parents.

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45. The noise mitigation measured as proposed in Section 7 of the Banora Point High School Noise Impact Assessment RHA Report 10-2425-R1 prepared by Richard Heggie and Associates dated 24 June 2002 are to be implemented to mitigate the levels of offensive noise to neighbouring residential areas.
 46. All external lighting is to be shielded where required so as to prevent the spill of light onto adjoining residential areas.
- B. That Council delegates to the Mayor, General Manager and Director of Development Services, authority to negotiate suitable conditions of consent should the applicant not agree to all the above conditions.

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.15pm.

Voting - Unanimous

4. **Development Application DA02/1147 for the Demolition of a Warehouse, Construction of Commercial and Residential Premises at Lot 9 DP 17554 Sand Street, Tweed Heads**

DA02/1147; 4901.10

410

Cr Beck

Cr Youngblutt

RESOLVED that the Director Development Services bring forward conditions for Council to consider a determination to approve DA02/1147 at Lot 9 DP 17554 Sand Street, Tweed Heads, given that the site is bounded on three sides by roadways, and therefore does not set an adverse precedent.

411

Cr Carroll

Cr Davidson

RESOLVED that an extension of 2 minutes be granted to Cr Boyd.

Voting For

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

Voting Against

Cr Beck
Cr Lawrie

The Motion was **Carried**

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Voting For

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

Voting Against

Cr James
Cr Luff

5. Gold Coast Airport - Prescribed Airspace - 2020 Australian Noise Exposure Forecast (ANEF)

Airport - Coolangatta/Tweed - Noise Issues

412

Cr Davidson

Cr Youngblutt

RESOLVED that:-

1. The official adoption of the new ANEF lines be deferred.
2. Council informs Gold Coast Airport Ltd that Council has viewed the 2020 Australian Noise Exposure Forecast (ANEF) plan referred to Council by letter of 11 September 2002.

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

TEMPORARY ABSENCE FROM MEETING

Cr Carroll left the meeting.

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6. Tweed Heads West Industrial Land Investigation

Industrial Land Investigation Study

413

Cr Marshall

Cr Luff

RESOLVED that Council informs the Regional Director of PlanningNSW that, pursuant to Section 54 of the Environmental Planning and Assessment Act, it intends to prepare an Environmental Study and a draft Local Environmental Plan Amendment for Lots 5-9 Portion 4 DP 9025, Lot 1 DP 779976, Lot 8 DP 8655, Lots 1 & 3 DP 226067, Lot 2 DP 589967 and Lots 6 & 7 DP 849367, Tweed Heads West.

Voting - Unanimous

RETURN TO MEETING

Cr Carroll returned to the meeting.

414

Cr Boyd

Cr Luff

RESOLVED that Council seeks from the QLD Department of Main Roads and update on the stage reached with planning for the Tugun By-pass west of the Airport.

Voting - Unanimous

7. LEP Amendment Subdivision

Local Environmental Plan 2000; GT1/LEP/2000

415

Cr Luff

Cr Boyd

RESOLVED that Council informs the Regional Director, PlanningNSW pursuant to S54 of the Environmental Planning and Assessment Act, that:

- (i) It intends to prepare a draft LEP to clarify the provisions for the subdivision of land in the Shire; and
- (ii) In its opinion an Environmental Study is not required.

Voting - Unanimous

8. Application to Include an Enabling Clause In Schedule 3 of Tweed Local Environmental Plan 2000 to Facilitate Approval of a Proposed Development

Local Environmental Plan –Lot 14 DP 733411 106 Dry Dock Road, Tweed Heads South; DA1680/582 Pt 1, GT1/LEP/2000/35 Pt1

416

Cr Luff

Cr Marshall

RESOLVED that Council:

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1. Subject to the proponents submitting to Council a satisfactory Traffic Impact Assessment, advises there are no adverse traffic impacts arising from the proposed development, Council informs the Regional Director of PlanningNSW that, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979, it intends to prepare a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include an enabling clause in Schedule 3 Development for the purposes of tourist accommodation, caravan park, camping ground and shops at Lot 14 DP 733411, Lot 1 DP 9042 and part Lot 6 DP 9042, Dry Dock Road, Tweed Heads South.
2. Informs the Regional Director that in its opinion an Environmental Study is not required.

Voting For

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

Voting Against

Cr Boyd
Cr Davidson
Cr Lawrie

9. Building Heights - Kingscliff

Draft Coastal Strategy

417

Cr Luff

Cr Marshall

RESOLVED that Council:-

1. (i) Engages consultants to undertake an overall urban design review of DCP 43, in particular view corridors and views from significant vantage points in Kingscliff to the coastal foreshore beach and ocean to establish policies regarding the protection of views and to establish a high equity of view retention from existing buildings and view establishment for new development applications. The review will involve the age and potential redevelopment of the buildings in this sector of Kingscliff.
 - (ii) Delegates to the Director of Development Services to prepare a brief for consultants to undertake the project;
 - (iii) Delegates to the Director of Development Services to select the preferred consultants.
2. Pending the outcome of 1. above as an interim measure, a Development Control Plan be prepared and exhibited for the Tweed Coast between Kingscliff and Pottsville.
 - (a) to establish a maximum height limit for 2 and 3 storey commercial and residential developments – as follows:

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- for 3 storey commercial development – 12 metres;
- for 3 storey residential development – 10 metres;
- for 3 storey mixed development (commercial on ground floor and 2 storeys of residential above) - 11 metres;
- for 2 storey commercial development – 9 metres; and
- for 2 storey residential development – 7 metres

(b) to provide guidelines for the design and use of rooftops.

AMENDMENT

Cr Davidson

Cr Beck

PROPOSED that Council:-

- Engage consultants to undertake an overall urban design review of DCP 43, in particular view corridors and views from significant vantage points in Kingscliff to the coastal foreshore beach and ocean to establish policies regarding the protection of views and to establish a high equity of view retention from existing buildings and view establishment for new development applications. The review will involve the age and potential redevelopment of the buildings in this sector of Kingscliff.
- Delegates to the Director of Development Services to prepare a brief for consultants to undertake the project;
- Delegates to the Director of Development Services to select the preferred consultants.

The Amendment was **Lost**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff
Cr Marshall

The Motion was **Carried**

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Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Youngblutt

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 10, 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 principal of the law firm involved in this item.

10. Kings Forest

GT1/LEP/2000/20 Pt5

418

Cr Luff

Cr Beck

RESOLVED that Council:

1. Acknowledges there are constraints which the Kings Forest Environmental Study has not fully dealt with; works through those constraints to identify what measures can be taken to maximise the urban yield; determines how significant/important those items are; and identifies options for minimising any adverse impact of urban development on those items.

To undertake this work the following would be required:

- An assessment of the significance of the identified threatened species in the context of the Tweed Coast;
 - Management plans for koalas and bushfire;
 - Additional archaeological assessment.
2. Requests the National Parks & Wildlife Service to further supplement the data it has already provided to Council with any other appropriate material to assist Council in completing this project.

AMENDMENT

Cr Lawrie

Cr Youngblutt

PROPOSED that Council undertakes, at Council expense, an independent environmental audit of Kings Forest using consultants.

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The Amendment was **Lost**

Voting For

Cr Beck
Cr Lawrie
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Lawrie
Cr Youngblutt

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

- 11. Section 96 Application D97/0286.01 for an amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah**

PF3560/110 Pt2; 3560.110

419

Cr Beck

Cr Lawrie

RESOLVED that a decision on the Section 96 Application No. D97/0286.01 for an amendment to Development Consent D97/0286 for brothel/escort service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah be refused as it is inconsistent with DCP No. 31.

AMENDMENT

Cr Davidson

Cr Youngblutt

PROPOSED that:-

- a. A decision on the Section 96 Application No. D97/0286.01 for an amendment to Development Consent D97/0286 for brothel/escort service at Lot 1 DP 619871, No. 31-

Minutes - Meeting of Tweed Shire Council

33 Morton Street Chinderah be deferred until the proposed amendment to DCP 31 referred to in b) is completed; and

- b. A draft amendment be prepared to Development Control Plan No. 31 – Brothels Policy in the following terms:-

Replace the words in Clause 4.4 with “Hours of Operation shall be considered on their merit having regard to the local environment, including nature and type of existing business and their hours of operation.”

The Amendment was **Lost**

Voting For

Cr Davidson
Cr James
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Youngblutt

420

Cr Boyd

Cr Beck

RESOLVED that a report be brought forward indicating the number of:

1. Approved brothels and their location.
2. Illegal brothels and their location, if they can be identified.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff
Cr Marshall

SUSPENSION OF STANDING ORDERS

421

Cr James

Cr Marshall

RESOLVED that standing orders be suspended to deal with Item 3 of Orders of the Day of the Agenda.

Voting – Unanimous

ORDERS OF THE DAY

3. Lot 156 DP 628026 Creek Street, Hastings Point

PF1431/190 Pt4

Cr James

Cr Luff

PROPOSED that:-

1. Council informs the Director-General of PlanningNSW, pursuant to Section 54 of the Environmental Planning and Assessment act, that it intends to prepare a draft Local Environmental Plan to rezone parts of Lot 156 DP 628026 Creek Street, Hastings Point identified in Figure 3 on Page 30 of the report from the Director of Development Services to the meeting of Council on 16 October 2002 from 2(e) Residential Tourist Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests).
2. The Director-General of PlanningNSW be advised that in Council's opinion an Environmental Study pursuant to Section 57 of the Environmental Planning and Assessment Act 1979 will be required.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

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

Minutes - Meeting of Tweed Shire Council

RESUMPTION OF STANDING ORDERS

422

Cr Davidson

Cr Youngblutt

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.35pm.

PROCEDURAL MOTION

Cr James

Cr Luff

PROPOSED that Council deals with a motion regarding the Mayor's public statements in relation to Lot 156 DP 628026 Creek Street, Hastings Point.

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

12. Draft Tweed Local Environmental Plan 2000, Amendment No 27 - Dual Occupancy Development

LEP; Dual Occupancies; GT1/LEP/2000/27 Pt1

423

Cr Boyd

Cr Lawrie

RESOLVED that Council forwards the draft Local Environmental Plan 2000, Amendment No 27, to the Minister for Planning and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

13. **Development Application 0689/2000DA for a Storage and Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Tweed Coast Road, Hastings Point**

DA1180/425 Pt1; 1180.425

424

Cr Boyd

Cr Lawrie

RESOLVED that Development Application 0689/2000DA for storage and launching facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point, be deferred for Councillors to consider the letter received from the Tweed Coast Sea Rescue Squad.

Voting - Unanimous

14. **Section 96 Application K99/0294.02 for an amendment to Development Consent K99/0294 for a 3 lot rural/residential subdivision at Lot 29 DP 624296 Rowlands Creek Road, Uki**

DA4800/170 Pt1

425

Cr Boyd

Cr Beck

RESOLVED that a further report be brought forward indicating the estimated cost of the kerb and guttering involved and the approximate value of land being contributed.

AMENDMENT

Cr James

Cr Luff

PROPOSED that:

1. This matter be deferred to the next meeting.
2. Council writes to the applicant inviting them to propose an alternative condition to kerb and guttering that might adequately deal with Council's drainage requirements.

The Amendment was **Lost**

Voting For

Cr Carroll
Cr James
Cr Lawrie
Cr Luff

Voting Against

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

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr James
Cr Luff

15. Draft Development Control Plan No. 47 - Cut and Fill on Residential Land Development Control Plan; GT1/DCP/47 Pt1

426

Cr Boyd

Cr Luff

RESOLVED that the Draft Development Control Plan No. 47, Cut and Fill on Residential Land - Version 1.1 be placed on public exhibition in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.

Voting - Unanimous

16. Draft Tweed Local Environmental Plan 2000 (Amendment No 8) - Black Rocks Estate

LEP – Black Rocks; GT1/LEP/2000/8 Pt3

427

Cr Luff

Cr Boyd

RESOLVED that:

1. Council exhibits a draft Tweed LEP 2000 (Amendment No 8) and LES based on Figure 5 in accordance with the Environmental Planning and Assessment Act 1979.
2. Council exhibits the draft Plan in accordance with 'Best Practice Guidelines – LEPs and Council Land' published by the Department of Urban Affairs and Planning (January 1997).
3. The Council exhibits an 'Explanatory Note' with the draft LEP and LES explaining the offer from the landowner to dedicate embellishment land and the development trade-off associated with the draft LEP.
4. Council defers the preparation of a Deed of Agreement with the landowner regarding the draft Plan and transfer/embellishment of land to Council until the draft Plan has been finalised after public exhibition.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

17. Terranora Public School - Council Contribution Towards the School Hall

PF5430/1205 Pt2

428

Cr Luff

Cr Beck

RESOLVED that Council:

1. Approves the expenditure of \$93,500 to the Department of School Education for the upgrading of the Terranora School Hall to be allocated from the Community Facilities Shire Wide Fund; subject to signing of an Agreement for community use made between the Council and the Department; and
2. Votes the expenditure of \$93,500.

Voting - Unanimous

18. 2001 Census

Strategic Planning - Census

429

Cr Luff

Cr Beck

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

19. Request for Sponsorship

Sponsorship; Surf Lifesaving; DW 699042

430

Cr Beck

Cr Marshall

RESOLVED that Council donates \$500 to the 2002 Murwillumbah Bridge to Bridge Swim Classic.

TEMPORARY ABSENCE FROM MEETING

Cr James left the meeting.

Voting - Unanimous

20. Organisational Values

Council Management; Council Policies

431

Cr Boyd

Cr Davidson

RESOLVED that Council adopts the following Corporate Values:-

Minutes - Meeting of Tweed Shire Council

Values

In carrying out our Mission, Councillors and staff demonstrate leadership through our commitment to ethical behaviour and the following individual and corporate values:-

We are:

*Responsive
Impartial
Transparent
Respectful*

*Accountable
Consistent
Conscientious*

Council supports our community and staff through:

- Stewardship* - *We responsibly manage community funds and assets, including natural assets, for this and future generations.*
- Organisational Performance* - *We provide systems, structures and facilities that serve our community and which support our staff to deliver a professional and efficient service.*
- Staff Development* - *We provide the training and development that staff need to do their job well.*
- Innovation* - *We seek new and better ways of doing our work.*
- Safe Environments* - *We protect the health, safety and welfare of staff, our community and our environment.*

RETURN TO MEETING

Cr James returned to the meeting.

Voting - Unanimous

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 2. State Environmental Planning Policy (SEPP) 71 – Coastal Protection**
State Environmental Planning Policy – SEPP; Coastal Management; Beaches – Use of; Pollution - Water

432

Cr Boyd

Cr Youngblutt

RESOLVED that:

1. This item be received and noted.
2. Council holds a workshop at the most convenient time.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR CORPORATE SERVICES

21. Tweed Shire Council Community Consultation Best Practice Guidelines Communications Committee - Best Practice

433

Cr Boyd

Cr Davidson

RESOLVED that the Draft Community Consultation Best Practice Guidelines be confirmed

Voting - Unanimous

22. International Council for Local Environmental Initiatives - Request for Support Sustaining the Tweed; Agenda 21; Greenhouse Effect

434

Cr Boyd

Cr Marshall

RESOLVED that Council supports the Cities for Climate Control Program with a letter to the Prime Minister, the Hon. Mr David Kemp, Minister for Environment & Heritage and Mr Larry Anthony, Federal Member for Richmond, generally in the terms of the draft attached but including examples of Council's activities in this field.

Voting For

Cr Polglase

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Cr Marshall

Cr Youngblutt

Voting Against

Cr Beck

Cr Brinsmead

23. World Summit on Sustainable Development

Sustainable Regions

435

Cr Marshall

Cr Luff

RESOLVED that Council continues to promote principles of sustainable development and reflect those principles through its actions.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

24. Australian Volunteer Coast Guard Association - Kingscliff

Volunteers; Air Sea Rescue; Donation

436

Cr Boyd

Cr Davidson

RESOLVED that Council generally supports a donation and that this matter be considered at the next Executive Management Team meeting.

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

AMENDMENT

Cr Luff

Cr James

PROPOSED that Council defers this item until a further report is received from Council officers as to how such a proposal would be funded.

The Amendment was **Lost**

Voting For

Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Polglase
Cr Beck
Cr Boyd
Cr Davidson
Cr Lawrie
Cr Youngblutt

The Motion was **Carried**

Voting - Unanimous

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

Minutes - Meeting of Tweed Shire Council

DECLARATION OF INTEREST

Cr Boyd

Declared an interest in Item No 25, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Boyd is a Rotarian.

25. Contribution Towards the Rotary District Conference being held at Tweed Heads - 6, 7 and 8 December 2002

Rotary; Donations

437

Cr Beck

Cr Marshall

RESOLVED that Council sends a letter of support.

Voting - Unanimous

RETURN TO MEETING

Cr Boyd returned to the meeting.

RETIREMENT FROM MEETING

Cr Carroll

Left the meeting at 9.00pm.

26. Farmers Market Proposal - Tumbulgum

Farmers Market

438

Cr Youngblutt

Cr Davidson

RESOLVED that Council:

1. Facilitates the establishment of a Farmer's Market at Tumbulgum at the end of Government Road, on Council property, commencing as a smaller operation with limited infrastructure. The success of the market would then allow for its expansion and establishment of permanent infrastructure.
2. Officers bring forward a report on the costs of the minimum infrastructure required.

AMENDMENT 1

Cr Luff

Cr James

PROPOSED that Council officers bring forward a report on establishing or facilitating a Farmer's Market at Tumbulgum or elsewhere. The report should include costs of the minimum infrastructure that would be required to be provided for a small operation, development approvals that may be required and administrative/licence arrangements that need to be put in place.

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RETIREMENT FROM MEETING

Cr Marshall

Left the meeting at 9.15pm.

RETIREMENT FROM MEETING

Cr Brinsmead

Left the meeting at 9.25pm.

Amendment 1 was **Lost**

Voting For

Cr Boyd
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Davidson
Cr Lawrie
Cr Youngblutt

AMENDMENT 2

Cr Boyd

Cr Luff

PROPOSED that Council advertises in the Tweed Link its interest in establishing a Farmer's Market at Tumbulgum and requests interested parties to contact Council as soon as possible.

Amendment 2 was **Lost** on the casting vote of the Mayor

Voting For

Cr Beck
Cr Boyd
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Davidson
Cr Lawrie
Cr Youngblutt

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

Voting For

Cr Polglase
Cr Davidson
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Beck
Cr Boyd
Cr James
Cr Luff

Minutes - Meeting of Tweed Shire Council

- 27. Tweed Economic Development Corporation (TEDC) Quarterly Performance Report – July to September 2002**

TEDC

439

Cr Luff

Cr James

RESOLVED that this report be received and noted.

TEMPORARY ABSENCE FROM MEETING

Cr Lawrie left the meeting.

Voting - Unanimous

- 28. Department of Communications and Information Technology and the Arts - Television Black Spots - Alternative Solutions**

Media – Other; DW 700630

440

Cr Boyd

Cr Luff

RESOLVED that Council receives and notes the advice and awaits further information.

RETURN TO MEETING

Cr Lawrie returned to the meeting.

Voting - Unanimous

- 29. In Kind and Real Donations - 1 July 02 to 30 September 02**

Donations

441

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

- 30. Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Report - September 2002**

TACTIC

442

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

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31. Local Government Financial "Health Check"

Financial Policies; Financial Reporting; Budget

443

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

32. 2001/2002 Financial Reports

Financial Reporting; Budget

444

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

33. Tweed Link Newspaper

Council's Weekly Newspaper – Tweed Link

445

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

34. Quarterly Corporate Report

Quarterly Report

446

Cr Youngblutt

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

35. Proposed Closure & Purchase of Unformed Public Road - Champagne Drive, Tweed Heads South

Fraser Drive; Champagne Drive; R2140 Pt2; R1020

447

Cr Boyd

Cr Luff

RESOLVED that

1. Council raises no objection to the closure of an unnecessary unformed public road within Lot 9 in DP 1039569, shown hatched on the following plan;

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2. Council acquires a strip of 10 metres along the road frontage of Lot 9 along Fraser Drive for road widening;
3. The applicants bear all legal and survey costs;
4. Easements are created where necessary over any existing public authority services;
5. All necessary documentation be endorsed and executed under Common Seal of Council

Voting - Unanimous

**36. 2002/2003 Regional Road Block Grant - Traffic Facilities
Government Grants – Roads; Roads – General; Works Program 2002/2003**

448

Cr Luff

Cr Davidson

RESOLVED that Council:-

1. Accepts the revised grant for Traffic Facilities of \$180,000.
2. Votes the expenditure.

Voting - Unanimous

**37. Naming - Bridges on Yelgun to Chinderah Motorway
Pacific Motorway – Yelgun to Chinderah; Bridges General; R5495 Pt7**

449

Cr Youngblutt

Cr Luff

RESOLVED that Council advise the RTA that it does not deem it appropriate to be involved in the naming of bridges on the new Motorway.

Voting - Unanimous

**38. Kerb & Gutter Contribution
Crescent Street; R1435 Pt3; Kerb & Gutter; Sundry Debtors**

450

Cr Luff

Cr James

RESOLVED that Council advises the petitioners of Crescent Street that all kerb and gutter contributions will remain up to 30 June 2002.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

39. Financial Assistance Grant 2002/03 - Additional Road Funding
Roads – Maintenance Program; Government Grants - Roads

451

Cr Luff

Cr Boyd

RESOLVED that Council allocates the additional \$238,608 from the Financial Assistance Grant roads allocation to gravel re-sheeting to permit further roads to be sealed under the existing policy.

Voting - Unanimous

40. Regional Road Funds to Local Government 2002/2003
Government Grants – Roads; Roads – Repair Program

452

Cr Luff

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

1. Minutes of the Local Traffic Committee Meeting held Thursday 17 October 2002
Traffic Committee

9. Mooball - Pottsville Road, Pottsville

R1470 Pt2; DW689417

453

Cr Boyd

Cr Luff

RESOLVED that Council:-

1. Formally requests the RTA to provide a timetable for the completion of the upgrading of the Cudgera Creek Road.
2. Mr Hardy be given approval to use Cudgera Creek Road from the highway interchange to Pottsville Road and Pottsville Road to his depot for 19m B Doubles hauling sugar only between Condong and Broadwater.

Voting - Unanimous

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6. Wharf Street, Tweed Heads

R5901 Pt1 – DW670793, 674217

454

Cr Boyd

Cr Luff

RESOLVED that Council writes to Woolworths advising that unless they take appropriate action to prevent customers obstructing traffic on Wharf Street; Council will investigate options for limiting traffic movements into the site in accordance with the Roads Act 1993.

Voting - Unanimous

1. Speed Zone Review - Tweed Valley Way

R4031 Pt15

455

Cr Boyd

Cr Luff

RESOLVED that a formal review be undertaken by the RTA & Council and brought forward to the Local Traffic Committee meeting in February for discussion.

Voting - Unanimous

2. Reflective Pavement Markers to be installed on Old Ferry Road

R3861 Pt1 – DW698266

456

Cr Boyd

Cr Luff

RESOLVED that double centre lines be installed on the S Bends approximately 200metres from the bottom of the Hill.

Voting - Unanimous

3. Kittiwake Street off Terranora Road

R2930 Pt1, R5441 Pt1 – DW696296

457

Cr Boyd

Cr Luff

RESOLVED that a right turn lane be created on Terranora Road for vehicles entering Kittiwake Street by adjustments to linemarking and the splitter island.

Voting - Unanimous

7. Shallow Bay Drive Tweed Heads South

R5006

458

Cr Boyd

Cr Luff

RESOLVED that “No Stopping Sign” be place the north that side of Shallow Bay Drive between the traffic signals and 30 metres east of the Homemart Development Driveway.

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Voting - Unanimous

9. Bay Street, Tweed Heads – Tweed Laboratory Centre

R0470 Pt2

459

Cr Boyd

Cr Luff

RESOLVED that a six metre long loading zone east of Stuart Street be installed on Bay Street and the bus zone length be adjusted accordingly.

Voting - Unanimous

460

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Local Traffic Committee Meeting be adopted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

ORDERS OF THE DAY

1. Flood Plain Management - Policy

Flood Levels; Govt Grants-Black Floodplain Management-Spot Program;

461

Cr Boyd

Cr Luff

RESOLVED that in view of the horrific flood disasters that recently devastated countries throughout Asia and Europe and caused massive loss of property and many thousands of lives, Council's Floodplain Management Committee be requested to consider the introduction of a policy which ensures that all future zoning of the land for urban living is above the maximum possible flood height.

Voting – Unanimous

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462

Cr Boyd

Cr Luff

RESOLVED that Council makes application for black spot funding for that dangerous section of narrow pavement on the Numinbah Road near the New South Wales/Queensland border crossing.

Voting - Unanimous

2. **Water Restrictions**

Water Management – General; Water Restrictions;

463

Cr Boyd

Cr Lawrie

RESOLVED that as a result of the worst drought the Tweed and the State has experienced in a century, that consideration be given to the encouragement of rain water tanks being attached, wherever possible, to all existing and new dwellings in the Shire.

Voting – Unanimous

2a. **Black Spot Funding, Numinbah Road**

Black Spot Program/Roads – Numinbah Road

464

Cr Boyd

Cr Youngblutt

RESOLVED that for similar reasons that Council ascertain what incentives exist for farmers to construct off-stream storage dams on their properties and if necessary Council make representations to State and/or Federal governments to introduce a grant scheme to encourage this to happen.

Voting - Unanimous

3. **Lot 156 DP 628026 Creek Street, Hastings Point**

PF1431/190 Pt4

This item was dealt with at Minute No. 422.

4. **Sealing of Letitia Road, Fingal Head**

Letitia Road; R3040

465

Cr James

Cr Boyd

RESOLVED that Council does not proceed with the sealing of Letitia Road before 28 February 2003.

TEMPORARY ABSENCE FROM MEETING

Cr Luff left the meeting.

Minutes - Meeting of Tweed Shire Council

Voting For

Cr Polglase
Cr Boyd
Cr Davidson
Cr James
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Beck

RETURN TO MEETING

Cr Luff returned to the meeting.

5. South Tweed/Banora Point Traffic Management Plan

LEP; Area E Terranora; GT1/LEP/2000/10

466

Cr Polglase

Cr Boyd

RESOLVED that South Tweed and Banora Point Traffic Management Plan be revisited as part of the Area E rezoning process.

Voting - Unanimous

WORKSHOPS PREVIEW

Nil

QUESTION TIME

Future Dam Project with Gold Coast City Council

Water – Capital Works - Dams

Cr Beck

Could some investigation take place about a future dam project with the Gold Coast City Council as joint partners?

The Mayor advised that discussions have already been held with the Mayor of Gold Coast City Council with a meeting arranged for early December to further discuss this issue.

New Art Gallery, Greenhills

New Art Gallery; DA3488/12 Pt2

Cr Beck

Why are there no bales of hay or any other such measures to stop pollution of the waterways at the site of the new art gallery? Why is this site not enforced in a Council development but insisted on in a private site, making two sets of rules?

Could a stop work notice be made on the site until the problem is rectified?

The Acting General Manager advised that the site would be inspected to ensure compliance.

Minutes - Meeting of Tweed Shire Council

COMMITTEE OF THE WHOLE

467

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:-

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. Draft Local Environmental Plan 2000 Amendment - Kingscliff Sewerage Treatment Plant

Kingscliff Sewage Treatment Plant; GT1/LEP/2000/14 Pt1

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

C103

That Council:

1. Writes to the Regional Director of PlanningNSW advising that the preparation of a draft Tweed Local Environmental Plan 2000 Amendment for the existing Kingscliff Sewerage Treatment Plant (Lot 32 DP 847319) is now being prepared for the best land uses rather than specifically for industrial purposes as originally proposed. That PlanningNSW also be advised that the original advice was provided in accordance with Section 54 of the Environmental Planning and Assessment Act;
2. Revises the Consultants Brief to adequately reflect the draft Tweed Coast Strategy (as exhibited);
3. Invites the Planning Consultants, who originally tendered quotes, to resubmit their quotes in line with the revised Brief.
4. Notifies Kareena Developments Pty Ltd, party to the options agreement, of its intention.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

**2. Illegal Clearing at Lot 156 DP 628026 Creek Street, Hastings Point
Illegal Land Clearing; PF1431/190 Pt4**

*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*

C104

That Council’s Solicitors be instructed to commence legal proceedings in the Land and Environment Court against the owner of the property being Walter Elliot Holdings Pty Ltd for clearing within the 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone without Development Consent.

- | | |
|-------------------|-----------------------|
| Voting For | Voting Against |
| Cr Polglase | Cr Beck |
| Cr Boyd | |
| Cr Davidson | |
| Cr James | |
| Cr Lawrie | |
| Cr Luff | |
| Cr Youngblutt | |

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

**3. Lavender Creek Proposed Wetland and Rehabilitation Program - EC2002-123
Lavender Creek; Rivers & Streams; Rehabilitation of Lavender Creek; GC12/6 - 2002-123**

*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*

C105

That:-

1. Council awards Contract EC2002-123 for the Lavender Creek Proposed Wetland and Rehabilitation Program to the tender submitted by Hopedale Services Pty Ltd for the value of \$243,187.00 (inclusive of GST).
2. The Director of Engineering Services be given delegated authority to approve variations to the total of \$25,000 and any plant hire costs involved with the project.

Voting - Unanimous

4. EC2002-127 Manufacture, Supply and Delivery of 450mm Diameter Pressure Pipe, Valve and Fittings

Contracts/Quotations – Water, Annual Supply; GC12/1-2 Pt3
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*

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

C106

That the contract for the manufacture, supply, delivery and unloading of 1892m of 450mm diameter pressure pipe, valves and fittings with a total price of \$282,654.60 be awarded to Tyco Water.

Voting - Unanimous

5. EC2002-87 Construction of a Six Span 96m Long Prestressed Concrete Bridge over Mooball Creek at Black Rocks Estate, Pottsville

Bridges – General, Black Rocks Estate; Building Works/Construction; GC12/4-2002-87
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

C107

That:-

1. The lowest conforming tender from Chevron Construction Company Pty Ltd trading as Basic Construction Services be awarded the lump sum contract for the price of \$1,547,002.99. Funding is to be sourced from developer contributions and Section 94 funding.
2. All documentation be under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. That Council votes the expenditure.

Voting - Unanimous

LATE ITEM

C108

That Item 5a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

5a. Shang Versus Tweed Shire Council

Clarrie Hall – Operation & Maintenance

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

Minutes - Meeting of Tweed Shire Council

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

C109

That the Director of Engineering Services, who will be the Acting General Manager at the time, be given delegated authority to settle the matter on behalf of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

6. Naming of Old Border Caravan Park Site

Jack Evans Boat Harbour; Parks Naming

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

(a) personnel matters concerning particular individuals

C110

That Council advises the proponent that a decision on the naming of the area needs to be postponed until a new management plan is adopted and the name will be further considered once Council has determined what part of the area will be open space and what part would be put to other uses.

Voting - Unanimous

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Cr Lawrie

Cr Youngblutt

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 11.00pm.



**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 42 of these Minutes**

Chairman