

# Minutes - Meeting of Tweed Shire Council

## ATTENDANCE

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

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

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

***"The peace of God which transcends all understanding will keep your hearts and minds in Christ Jesus.***

*(Philippians 4:7)*

*Almighty God, God of grace and mercy. Your love for us knows no bounds. We look to You again today as we meet as Councillors of the Tweed Shire and we acknowledge our dependence upon You. Now, O God, we ask for You to guide us through our business today. By Your grace enable us to give our full attention to all that is before us.*

*Let Your peace be upon us that we may make our decisions with a clear mind and an open, honest heart. Help us to listen to one another and to be willing to see another point of view when that is needed.*

*We pray for each other, let Your blessing be upon each one of us. We pray courage and strength for those who are facing difficult times. Give peace and comfort to those who are experiencing family sorrow and grief. We ask Your special blessing upon our Mayor, Warren, as he gives leadership with our Shire.*

*Eternal Father, bring us to the end of this day with joy in our hearts and peace in our souls; for ask it in the Name of Jesus, our Lord. Amen".*

## CONFIRMATION OF MINUTES

101

Cr Davidson

Cr Youngblutt

**RESOLVED** that the Minutes of the Ordinary Meeting held 17 July 2002 be confirmed as an accurate record of the proceedings of that Meeting.

**Voting - Unanimous**

## ABSENT

Councillor B J Carroll.

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Councillor Cr Carroll has advised the General Manager that her absence is due to illness.

**102**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that the apology of Cr Carroll be accepted.

**Voting – Unanimous**

## **DISCLOSURE OF INTEREST**

**Cr Boyd**

Declared an interest in Item No 1 of the Ordinary Council Agenda.

The nature of the interest is that Cr Boyd has a family member who is involved in a similar business in the Shire.

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

**103**

**Cr Marshall**

**Cr Beck**

**RESOLVED** that Item 1 of the Confidential be considered in open Council.

**Voting – Unanimous**

**Cr Beck**

**Cr Marshall**

**PROPOSED** that Item 3 of the Confidential Agenda be considered in open Council.

The Motion was **Lost**.

### **Voting For**

Cr Beck  
Cr Marshall  
Cr Youngblutt

### **Voting Against**

Cr Polglase  
Cr Boyd  
Cr Davidson  
Cr James  
Cr Lawrie  
Cr Luff

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## COMMITTEE OF THE WHOLE

*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*

**104**

**Cr Polglase**

**Cr Davidson**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole to be addressed by Mr Tony Smith, from Council's Solicitors, Stacks the Law Firm with Halliday and Stainlay on matters related to Items 3 and 4 of the Confidential Agenda.

**Voting – Unanimous**

## ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 3.25pm.

## DISCLOSURE OF INTEREST

**Cr Brinsmead**

Declared an interest in Item 7b of the Ordinary Agenda and Items 2, 3 and 4 of the Confidential Agenda.

The nature of the interest is that Cr Brinsmead has a family member on staff with Hickey Lawyers, who are involved in these items.

## RESUMPTION OF MEETING

**105**

**Cr Polglase**

**Cr Marshall**

**RESOLVED** that Council resumes in Open Council.

**Voting – Unanimous**

## TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

## TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

## SCHEDULE OF OUTSTANDING RESOLUTIONS

**106**

**Cr Beck**

**Cr Marshall**

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

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## Voting - Unanimous

### MAYORAL MINUTE

**1. Tweed Heads PCYC Redevelopment Planning Workshop**

**Councillors' Invitation**

This item was received and noted.

**2. Public Information Forum on Mental Illness**

**Disabled Matters**

This item was received and noted.

**3. Latitude28**

**DA4040/100 Pt 7**

This item was received and noted.

**4. Cudgen Fire Station**

**Rural Fire Service**

This item was received and noted.

**5. National Roads Congress – Toowoomba**

**Seminars General**

This item was received and noted.

**6. Pottsville Village Strategy**

**Strategic Planning**

This item was received and noted.

**7. Tweed Schools Debate**

**Local Government Week**

This item was received and noted.

**8. Kingscliff Community Health Centre**

**Kingscliff Community Health Centre**

This item was received and noted.

**9. Lindisfarne Anglican School**

**Councillors' Invitations**

This item was received and noted.

**10. Yelgun to Chinderah Freeway**

**R5495 Pt7**

This item was received and noted.

**11. United Hospitals Auxiliaries of NSW**

**Hospitals**

This item was received and noted.

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**12. South Tweed Bowls Club – Ken Williams Memorial Fours Pro-Am**

**Councillors' Invitations**

This item was received and noted.

**13. Veterans' Affairs Network**

**Councillors' Invitations**

This item was received and noted.

**14. Geographical Names Board**

**Geographical Names Board**

This item was received and noted.

**Adoption of Mayoral Minute**

**107**

**Cr Polglase**

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

**Voting - Unanimous**

**RETURN TO MEETING**

Cr Youngblutt returned to the meeting.

**SUSPENSION OF STANDING ORDERS**

**108**

**Cr Boyd**

**Cr James**

**RESOLVED** that standing orders be suspended to deal with an Urgency Motion.

**Voting – Unanimous**

**RETURN TO MEETING**

Cr Brinsmead returned to the meeting.

**URGENCY MOTION**

**Planning Staff - Apology**

**Council Management, Code of Conduct**

**Cr Boyd**

**Cr James**

**PROPOSED** that:

- A. This Council, with the benefit of the information it now has before it contained in the two Bulford Reports and that which has been presented to Council by its legal advisor as an appendix to the Confidential Business Paper today, expresses its full support for, and confidence in, the following officers – Mr David Broyd, Mr Douglas Jardine and Mr Graham Judge; and

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- B. Council unreservedly apologises to these staff for the personal hardship they have experienced as a result of the totally unproven allegations made against them by Cr Brinsmead; and
- C. Council accepts on the evidence it now has that all three members have acted in a thoroughly professional manner, that their records are unblemished and that they have been completely exonerated in relation to the allegations made against them.

**109**

**Cr Luff**

**Cr Boyd**

**RESOLVED** that an extension of 3 minutes be granted to Cr James.

**Voting – Unanimous**

### AMENDMENT

**110**

**Cr Lawrie**

**Cr Youngblutt**

**RESOLVED** that

- A. Council expresses its support for and confidence in the following officers – Mr David Broyd, Mr Douglas Jardine and Mr Graham Judge; and
- B. Council regrets any personal hardship the staff may have experienced as a result of the allegations made against them; and
- C. Council accepts they have been completely exonerated in relation to the allegations made against them.

**111**

**Cr Luff**

**Cr James**

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

#### **Voting For**

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

#### **Voting Against**

Cr Beck

The Amendment was **Carried**

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## **Voting For**

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

## **Voting Against**

Cr Boyd  
Cr Davidson  
Cr James  
Cr Luff

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

## **Voting For**

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

## **Voting Against**

Cr Beck  
Cr Brinsmead

## **Expression of Condolence - Late Mrs Eileen Constable**

### **Condolences**

The Mayor, on behalf of Council, expressed condolences on the death of the late Mrs Eileen Constable, the sister of Cr Max Boyd and mother and mother-in-law of staff members, Ruth and Geoff Hussey.

The Council observed a minute's silence in respect for the late Mrs Constable.

## **RESUMPTION OF STANDING ORDERS**

**112**

**Cr James**

**Cr Luff**

**RESOLVED** that Standing Orders be resumed.

**Voting – Unanimous**

## **ITEMS DEFERRED**

**Notice of Motion - Cr Boyd**

**2. Water Supply**

**Notice of Motion - Cr Boyd**

**113**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that Council:-

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1. Debates the issue of the possible sale of water from the Tweed Valley to the Gold Coast City Council;
2. Seeks a response from the relevant New South Wales Minister as to whether any such sale would be sanctioned by the New South Wales Government.

**Voting - Unanimous**

### Notice of Motion - Cr Boyd

3. **Tweed Heads Civic Centre  
Notice of Motion; Southern Cross Uni; Civic Centre - Tweed Heads; DW683855**

**114**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that Council clarifies its position concerning the statement attributed to Cr Lawrie in the recent edition of the Tweed Sun wherein he alleges Council is considering the sale of the Tweed Heads Civic Centre to the Southern Cross University.

**Voting - Unanimous**

### SUSPENSION OF STANDING ORDERS

**115**

**Cr Polglase**

**Cr Luff**

**RESOLVED** that standing orders be suspended to deal with Items 8, 23 and Notice of Motion 1 of the Ordinary Agenda.

### REPORTS FROM DIRECTOR CORPORATE SERVICES

8. **Tweed Economic Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc (TACTIC) Funding Agreements**

**TACTIC & TEDC**

**116**

**Cr Marshall**

**Cr Lawrie**

**RESOLVED** that the draft agreements for the Tweed Economic Development Corporation (TEDC) for three (3) years and Tweed and Coolangatta Tourism Inc (TACTIC) for three (3) years be adopted and executed under the Common Seal of Council and the TACTIC agreement be modified to accommodate a three year timeline.

### AMENDMENT 1

**Cr Luff**

**Cr James**

**PROPOSED** that Council deals firstly with the question of funding for TACTIC and secondly, with the question of funding for TEDC.

Amendment 1 was **Lost**



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### Voting For

Cr Boyd  
Cr James  
Cr Luff

### Voting Against

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

### AMENDMENT 2

Cr Luff

Cr James

**PROPOSED** that the draft agreements for the Tweed Economic Development Corporation (TEDC) for three (3) years and Tweed and Coolangatta Tourism Inc (TACTIC) for one (1) year be adopted and executed under the Common Seal of Council.

Amendment 2 was **Lost**

### Voting For

Cr James  
Cr Luff

### Voting Against

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

### TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

The Motion was **Carried**

**Voting - Unanimous**

23. **Development Application DA02/0624 for Alterations and Additions to an Existing Dwelling House at Lot 8 Sec 8 DP 758571, No 254 Marine Parade, Kingscliff**  
**DA02/0624 Pt1; 3340.17604**

117

Cr Youngblutt

Cr James

**RESOLVED** that Development Application DA02/0624 for alterations and additions to an existing dwelling house at Lot 8 Sec 8 DP 758571, No. 254 Marine Parade, Kingscliff be approved subject to the following conditions:-

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## GENERAL

1. The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
3. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
4. Section 94 Contributions
  - (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

S94 Plan No. 7

West Kingscliff - Drainage: \$131.70

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5. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. The footings and floor slab are to be designed by a practicing Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
7. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - i. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - ii. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

### PRIOR TO COMMENCEMENT OF WORK

8. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
9. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
  - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (A) the method of protection; and
    - (B) the date of installation of the system; and
    - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (D) the need to maintain and inspect the system on a regular basis.
- Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
10. 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.
11. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

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12. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

13. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
14. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

### **During Construction**

15. 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.
16. 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.
17. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
18. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
19. 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:-

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- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C 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.

20. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Lot8 Sce8 DP758571 Marine Parade, Kingscliff. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The foot paving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
21. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - iv. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
22. 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.

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23. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Inspection of drainage works prior to covering is required.
24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
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. 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.
27. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. completion of work
28. 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.
29. 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.
30. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
31. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.

### **Voting – Unanimous**

### **RETURN TO MEETING**

Cr Brinsmead returned to the meeting.

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## 1. Development Application K99/1682

Notice of Motion; DA5937/740 Pt3; DW687700

118

Cr Davidson

Cr Marshall

**RESOLVED** that the Director Development Services brings forward a report to the Council Meeting of 21 August 2002, in relation to the Development Application K99/1682 (proposed subdivision at Lot 117 DP 879797 Winders Place, Banora Point), for consideration by Council. The report to include appropriate conditions, in the event that Council decided to determine approval of the development application.

### Voting For

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

### Voting Against

Cr James

## RESUMPTION OF STANDING ORDERS

119

Cr Youngblutt

Cr Davidson

**RESOLVED** that Standing Orders be resumed.

**Voting - Unanimous**

## DECLARATION OF INTEREST

Cr Boyd

Declared an interest in Item No 1, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Boyd has a family member involved in the similar business in the Shire.



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## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. Development Application 0028/2002S96 for an Amendment of Development Consent 0661/2001DA for a Three (3) Lot Industrial Subdivision at Lot 3 DP 717401, Lot 12 DP 1000868, No.22 Lundberg Drive, Murwillumbah  
DA3120/100 Pt1; 3120.100**

**Cr Luff**

**Cr James**

**PROPOSED** that the application to Review the Determination of Development Application 0028/2002S96 for an amendment of Development Consent 0661/2001DA for a three (3) lot industrial subdivision at Lot 3 DP 717401 and Lot 12 DP 1000868 No. 22 Lundberg Drive, Murwillumbah, be refused.

The Motion was **Lost**

#### **Voting For**

Cr Davidson  
Cr James  
Cr Luff  
Cr Marshall

#### **Voting Against**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Youngblutt

**120**

**Cr Beck**

**Cr Brinsmead**

**RESOLVED** that the application to Review the Determination of Development Application 0028/2002S96 for an amendment of Development Consent 0661/2001DA for a three (3) lot industrial subdivision at Lot 3 DP 717401 and Lot 12 DP 1000868 No. 22 Lundberg Drive, Murwillumbah, be approved subject to the following:-

- Delete condition No 1, and
- Delete condition No 2, and
- Delete Condition No 36, and
- Delete Condition No 37, and
- Reaffirm Condition No 38 and replace Condition No 38(3) with the following statement:

*“Structures are not permitted over sewer mains”*

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## Voting For

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

## Voting Against

Cr James  
Cr Luff

## RETURN TO MEETING

Cr Boyd returned to the meeting.

## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.35pm.

### 2. Application for Removal of Trees - Lot 3 DP 1000385 Fraser Drive, Tweed Heads South

DA2150/885 Pt1; 2150.885; Tree-Removal

121

Cr Beck

Cr Youngblutt

**RESOLVED** that the application by W & R Sullivan under Council's Tree Preservation order for the removal of trees on Lot 3 DP 1000385 Fraser Drive, Tweed Heads South be approved.

## AMENDMENT

Cr Luff

Cr James

**PROPOSED** that Council indicates to W & R Sullivan that it will approve removal of 11 trees on Lot 3 DP 1000385 Fraser Drive, Tweed Heads South on Council being supplied with information, including diagrams, which clearly indicates which trees are intended to be felled.

The Amendment was **Lost**

## Voting For

Cr James  
Cr Luff

## Voting Against

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

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The Motion was **Carried**

**Voting For**

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

**Voting Against**

Cr James

**3. Industrial Land Investigation - Update**

**Industrial Land Investigation Study**

**122**

**Cr Boyd**

**Cr James**

**RESOLVED** that:

1. The Mayor convenes meetings with:
  - a) key landowners within the Cobaki Lakes/Bilambil area to determine future employment generating lands within this area;
  - b) key landowners along Cudgera Creek Road to determine future employment generating lands within this area;
  - c) key landowners of undeveloped industrial or commerce and trade areas within the Shire to determine the impediments to their development.

**Voting - Unanimous**

**4. Bellevue Heights Estate, North Arm Road, Murwillumbah**

**GS4/94/53 Pt3; Subd Appln**

**123**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that

- A. In relation to the withdrawal of Caveat 1215382 over part of the land known as the Bellevue Heights Estate, North Arm Road, Murwillumbah, the owners be advised that subject to satisfactory arrangements being made for the payment of a contribution for casual open space for 59 lots - \$28,910 - in accordance with Clause 13.1 of Section 94 Contribution Plan No. 5 - Open Space Contribution, Council will support the withdrawal of the caveat.

## Minutes - Meeting of Tweed Shire Council

- B. Any documentation associated with the withdrawal of Caveat 1215382 be executed under the Common Seal of Council.

**Voting For**

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

**Voting Against**

Cr Beck

**5. Child Care Facilities at Banora Point Community Centre**

**DA1393/320 Pt1**

**124**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that Council advises the Establishment Committee for the Banora Point Community Centre that the policy is to disengage from the provision of community preschool centres, but that Council will consider such a proposal as part of the Community Centre development if the Committee considers there is a justifiable case for some form of adjunct child care to support other activities carried on at the Community Centre, that:

- a) is in accordance with Version 3 of S94 Plan No 3;
- b) would share some of the common facilities; and
- c) would not limit opportunities for other activities.
- d) will not involve Council in terms of any insurance liabilities other than those associated with the Community Centre building itself.

**Voting - Unanimous**

**6. Employment Generating Incentives Package**

**Industrial Development – General; TEDC**

**125**

**Cr Boyd**

**Cr Youngblutt**

**RESOLVED** that Council: -

1. Continues its current levels of financial assistance to economic development; and
2. Reaffirms its role and financial commitment to economic development based upon the Tweed Economic Development Strategy.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

---

**7. Request for Refund of Development Application and Construction Certificate Fees and Developer Contributions Paid for 1 x 2 and 1 x 3 Bedroom Units at Lots 1 and 2 DP 808125 Pearl Street, Kingscliff**

**DA4170/35 Pt1; 4170.35**

126

**Cr Luff**

**Cr James**

**RESOLVED** that the request to refund all application fees and Section 64 and 94 contributions as itemised below which have already been paid for the erection of 1 x 2 and 1 x 3 bedroom units at Lots 1 and 2 DP 808125 Pearl Street, Kingscliff not be supported.

- \* Development Application fees - \$770
- \* Construction Certificate fees - \$654
- \* Driveway access fee - \$80
- \* Sewerage disconnection - \$80
- \* Section 64 headworks: -
  - Water - \$3840
  - Sewer - \$3215
- \* Section 94 contributions: -
  - TRCP - \$1820
  - Open Space (Structured) - \$426
  - Open Space (Casual) - \$333
  - West Kingscliff Drainage - \$363.20
  - Library Facilities - \$225
  - Eviron Cemetery - \$126
  - Community Facilities - \$492
  - Emergency Facilities - \$201
  - Council Administration - \$344.8
  - Cycleways - \$160

# Minutes - Meeting of Tweed Shire Council

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

## LATE ITEM

127

**Cr Luff**

**Cr Marshall**

**RESOLVED** that Items 7a and 7b being an Addendum items be dealt with and it be ruled by the Chairman to be of great urgency.

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

**7a. Planning Institute of Australia (PIA) Conference "Designing our Future", 17-20 September 2002, Stamford Plaza Hotel, Double Bay**

**Conferences**

128

**Cr James**

**Cr Luff**

**RESOLVED** that Council seeks nominations for Councillors to attend the PIA NSW Divisional conference at Stamford Plaza Hotel, Double Bay between 17-20 September 2002.

**Voting - Unanimous**

## DECLARATION OF INTEREST

**Cr Brinsmead**

Declared an interest in Item No 7b, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead has a family member on staff with Hickey Lawyers.

# Minutes - Meeting of Tweed Shire Council

- 7b. Development Application 0651/2001DA.02 - Amendment to Development Consent 0651/2001DA for the Establishment of a Residential Subdivision (111 lots - Koala Beach Stage 3) - Lot 903 DP 1017348 Cudgera Avenue, Pottsville - Timing of Koala Management Plan**

**DA4917/235 Pt7**

**129**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that the application to amend Condition 7 of Development Consent 0651/2001DA: residential subdivision of 111 lots at Lot 903 DP 1017348 Cudgera Avenue, Pottsville (Stage 3 of Koala Beach) be approved with the affect that Condition 7 will be amended to: -

*“7. The recommendations and findings of the Koala Management Plan prepared by the Australian Koala Foundation dated March 2002 are to be incorporated in an amended Koala Management Plan. The amended plan is to be submitted to and approved by PlanningNSW, Council and NSW National Parks and Wildlife Service prior to the release of the subdivision certificate.”*

**Voting - Unanimous**

## **RETURN TO MEETING**

Cr Brinsmead returned to the meeting.

## **REPORTS FROM DIRECTOR CORPORATE SERVICES**

- 8. Tweed Economic Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc (TACTIC) Funding Agreements**

**TACTIC & TEDC**

This item was dealt with earlier in the meeting at Minute No 115.

- 9. Increase in Fire Brigade Levy**

**Fire Services Rural Fire Brigade**

**130**

**Cr Luff**

**Cr Marshall**

**RESOLVED** that:-

1. Council makes representations to the Minister for Local Government, NSW Fire Brigades and Minister for Emergency Services objecting to its extent of the 2002/03 Fire Brigades contributions increases.
2. A copy of Council's submission be forwarded to Local Government and Shires Association.
3. The funding for the additional \$93,538 contribution for the three (3) 2002/03 fire levies be considered in Council's first Quarterly Budget Review (30 September 2002).

# Minutes - Meeting of Tweed Shire Council

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**Voting – Unanimous**

**131**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that in all future Council budgets a list of all mandatory payments which are imposed upon Council each year be recorded in the introductory segment of the budget in a form which shows the percentage increase over the previous year.

**Voting - Unanimous**

**10. Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Report - June 2002**

**TACTIC**

**132**

**Cr Marshall**

**Cr Davidson**

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

**Voting - Unanimous**

**11. In Kind and Real Donations – 1 April 2002 to 30 June 2002**

**Donations**

**133**

**Cr Marshall**

**Cr Davidson**

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

**Voting - Unanimous**

**12. SouthROC Business Plan**

**DW684726; SROC**

**134**

**Cr Marshall**

**Cr Davidson**

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

**Voting - Unanimous**

**13. Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June, 2002**

**TEDC**

**135**

**Cr Marshall**

**Cr Davidson**

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

**Voting - Unanimous**



# Minutes - Meeting of Tweed Shire Council

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## 14. Organisation - Staffing

Staffing Levels

136

Cr Marshall

Cr Davidson

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

**Voting - Unanimous**

## 15. Local Government Amendment (Miscellaneous) Act 2002

Local Government Department - Circulars

137

Cr Marshall

Cr Davidson

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

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENGINEERING SERVICES

### 16. Clarrie Hall Dam - Public Toilet and Barbeque Amenities

Vandalism; Clarrie Hall-Recreation; Clarrie Hall - General

138

Cr Marshall

Cr James

**RESOLVED** that Council closes and removes the amenities and barbeque facilities as appropriate at Clarrie Hall Dam wall.

**Voting - Unanimous**

### 17. Tweed Valley Integrated Water Cycle Plan

Water Management – Planning; DW680397

139

Cr Boyd

Cr Brinsmead

**RESOLVED** that Council accepts the Department of Land and Water Conservation's offer to prepare a "Context Study" as the initial study of the Tweed Valley Integrated Water Cycle Plan.

**Voting - Unanimous**

### 18. Closure & Purchase of Public Road at Charles Street, Tweed Heads

GR3/12/7; 1041.780; Road-Charles Street; Road Closures-Terranora

140

Cr Boyd

Cr Davidson

**RESOLVED** that :-

## Minutes - Meeting of Tweed Shire Council

1. Council approves the closing of part of the pedestrian thoroughfare adjacent to and forming part of the road reserve of Charles Street, Tweed Heads;
2. The applicants bear all the survey and legal costs;
3. The title of the closed road be consolidated with the adjacent land with a public positive covenant registered with Council as the benefiting authority;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under the Common Seal of Council.

### **Voting - Unanimous**

- 19. Classification of Land as Operational - Subdivision of Lot 1 in DP 204461, Lot 1 in DP 709200 and Lot 3 in DP 224232 at Shallow Bay Drive, Tweed Heads South  
GS/98/33 Pt6; 4030.2820; Sewer Pumping Station**

141

**Cr Marshall**

**Cr Davidson**

**RESOLVED** that the land transferred to Council as a Pumping Station, described as Lot 3 in DP 1008592 be classified as Operational under Section 31 of the Local Government Act, 1993.

### **Voting - Unanimous**

- 20. Relinquishment of Right of Footway Variable Width - Lot 11 in DP 576205 being  
24 Moss Street, Kingscliff**

**DA3570/290 Pt1; 3570.290**

142

**Cr Marshall**

**Cr Youngblutt**

**RESOLVED** that Council:-

1. Relinquishes the Right of Footway on Lot 11 in DP 576205, subject to the applicant reimbursing Council current market price determined by the State Valuation Office, as well as meeting all legal, survey and administrative costs. The applicant to provide a written undertaking that any objections, claims for compensation or accommodation works in regard to the current boardwalk will not be made in the future; and
2. Endorses all necessary documents under the Common Seal of Council.

### **Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

### 21. Water Pump Station No 3 Upgrade

Water - Capital Works; Water Pumping Station

143

Cr Marshall

Cr Luff

**RESOLVED** that Council invites proposals from suitably qualified and experienced consultants to undertake the necessary detailed design and documentation.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

### 22. Home and Community Care (HACC) Funding

HACC; Govt Grant-Comm Options

144

Cr Boyd

Cr Luff

**RESOLVED** that Council:

1. Accepts the approved funds
2. Votes the expenditure accordingly
3. Completes all necessary documentation under the Common Seal of Council.

**Voting - Unanimous**

145

Cr Marshall

Cr Luff

**RESOLVED** that the staff of Community Options be congratulated on the preparation of their Procedures Manual and Accreditation.

**Voting – Unanimous**

### 23. Development Application DA02/0624 for alterations and additions to an existing dwelling house at Lot 8 Sec 8 DP 758571, No. 254 Marine Parade, Kingscliff

DA02/0624 Pt1; 3340.17604

This item was dealt with earlier in the Meeting at Minute No 116.

### 24. Tweed Hospital Staff Christmas Review - Tweed Heads Civic Centre

Civic Centre Tweed Heads-Hire

146

Cr Luff

Cr Davidson

**RESOLVED** that Council:-

1. Approves the use for the facility for the Tweed Hospital Staff Christmas Review and Party including the service of alcohol;

# Minutes - Meeting of Tweed Shire Council

2. Levies the normal applicable fee.

**Voting - Unanimous**

**25. Application to Install Unregisterable Moveable Dwelling  
PF5950/510 Pt4; 5950.510; Cvan Pks-Drifters**

147

Cr Boyd

Cr Luff

**RESOLVED** that Council refuses the application to install an unregisterable moveable dwelling on site 28 Drifters Van Village.

**Voting For**

- Cr Polglase
- Cr Boyd
- Cr Brinsmead
- Cr Davidson
- Cr James
- Cr Lawrie
- Cr Luff
- Cr Youngblutt

**Voting Against**

- Cr Beck
- Cr Marshall

**26. Introduction of Cutlery and Crockery Hire - Murwillumbah Civic Centre  
Community Services; Civic Centre - Murwillumbah - Hire**

148

Cr Boyd

Cr Luff

**RESOLVED** that in accordance with the provisions of Section 612 of the Local Government Act 1993 Council gives public notice of the below proposed fees for the hire and use of cutlery and crockery at Murwillumbah Civic Centre functions and that these fees be charged with the agreement of any hirer in the interim or the equipment not be made available.

Usage requirement	Details	Cost/person
Light refreshment.	Cup or glass, saucer and small plate.	\$0.50
Cutlery and crockery only – no glassware.	Cutlery and crockery for side, entrée, main and dessert.	\$1.00
Glassware only – no cutlery and crockery.	Water, spirit, beer, and/or wine glass.	\$1.00

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Usage requirement	Details	Cost/person
Cutlery, crockery and glassware.	Cutlery and crockery for side, entrée, main and dessert; and water, spirit, beer, and/or wine glass.	\$1.50

**Voting - Unanimous**

27. **Building Enclosure Below Council's Design Flood Level - Lot 5 DP 248042 10 McLeod Street, Condong**

**DA02/0569 Pt1; 3220.410**

149

Cr Luff

Cr James

**RESOLVED** that the resolution of the Council Meeting of 3 July 2002 be re-affirmed, being:-

*“... that Council invites the applicant to amend the proposal allowing an enclosed lower floor area which would comprise a double garage and a workshop area within the front portion of the lower floor with laundry and bathroom facilities permitted at the rear. The proposed workshop and storerooms within the rear portion as depicted in the proposed plan are to be deleted, with suitable openings being provided to these areas to reduce the excessive enclosed lower floor area.”*

**Voting - Unanimous**

**TEMPORARY ABSENCE FROM MEETING**

Cr Brinsmead left the meeting.

28. **Cabarita Community Centre - Hire Fees**

**GC12/5-200238 Pt1; Les Burger-Comm Centre**

150

Cr Boyd

Cr James

**RESOLVED** that:-

1. Council approves that the hire fees identified in this report be placed on public exhibition for a period of 28 days in accordance with Sections 612 of the Local Government Act, 1993 and these fees apply in the interim by agreement should any person desire to have the facilities prior to these fees being formally adopted by Council.
2. A Bond be charged as considered necessary.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

### 29. Northern Rivers Regional Aboriginal Heritage Study

Aboriginal Matters

151

Cr Boyd

Cr Marshall

**RESOLVED** that Council pursues the cooperation of relevant neighbouring authorities to undertake a regional Aboriginal Heritage Study.

**Voting – Unanimous**

### REPORTS FROM COMMITTEES/WORKING GROUPS

#### 1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 11 July 2002

Dunecare

#### 8. Letitia Spit - Fingal

Letitia Spit

152

Cr Boyd

Cr Luff

**RESOLVED** that this item be referred to the General Manager for a report on the matters raised, to be brought forward to Council.

**Voting - Unanimous**

153

Cr Boyd

Cr Luff

**RESOLVED** that the balance of the Minutes of the Tweed Dune Care Advisory Committee Meeting be adopted.

**Voting - Unanimous**

#### 2. Minutes of the Sports Advisory Committee Meeting held Tuesday 16 July 2002

Sports Advisory Committee

##### 1. Queensland Netball Association

Donations

154

Cr Boyd

Cr Luff

**RESOLVED** that this item be referred to the Director Corporate Services for consideration by Council under the donations policy.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

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- 2. Tweed Coast Raiders Junior Rugby League Football Club (TCRJRLFC)  
Les Burger Field; Assets Reserves Fund Application**

155

Cr Boyd

Cr Luff

**RESOLVED** that Council contributes \$4,000 from the Sports Field Assets Reserve Fund to Tweed Coast Raiders Junior Rugby League Football Club for the construction of a concrete veranda onto the existing building at the Les Burger Field, Cabarita Beach.

**Voting - Unanimous**

- 3. Burringbar Public Recreation Reserve Trust 67652 (BPRRT)  
Tom O'Connor Reserve; Asset Reserve Fund Application**

156

Cr Boyd

Cr Luff

**RESOLVED** that Council contributes from the Sports Field Asset Reserve, the sum of \$10,000 for lighting of the Burringbar Sportsfields, subject to the balance of the funds to cover the project being available.

**Voting - Unanimous**

157

Cr Boyd

Cr Luff

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

**Voting - Unanimous**

- 3. Minutes of the Tweed Shire Council Disability Access Committee Meeting held  
Thursday 18 July 2002** **Disability Access Cttee**
- 9. International Day of People with a Disability** **Disability Access Cttee**

158

Cr Boyd

Cr Marshall

**RESOLVED** that Council endorses and supports International Day of People with a Disability, and authorises the organised events as an activity of Council.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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## 11. MLAK Access for Disability Toilets

Access Matters

159

Cr Boyd

Cr Marshall

**RESOLVED** that Council endorses expenditure of \$170 from Access budget for 20 MLAK keys.

**Voting - Unanimous**

160

Cr Boyd

Cr Luff

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

**Voting - Unanimous**

## 4. Minutes of the Local Traffic Committee Meeting held Thursday 18 July 2002

Traffic Committee

### 14. Frances Street, Tweed Heads

R2131 Pt2

161

Cr Boyd

Cr Luff

**RESOLVED** that the provision of a marked pedestrian crossing at the end of the walkway from McGregor Place to Tweed Mall on Frances Street be installed conforming with Austroads Part 13 for crossing sight distance.

**Voting - Unanimous**

## 10. The Quarterdeck, Tweed Heads

R4490 Pt1; Traffic – Safety; 4490; DW661698; 665840

162

Cr Boyd

Cr Luff

**RESOLVED** that the access road be physically closed at The Jib subject to written agreement from the three (3) affected householders that they support the closure and are willing to move their garbage disposal bins to a location appropriate for collection.

**Voting - Unanimous**



# Minutes - Meeting of Tweed Shire Council

**1. Clothiers Creek Road, Tanglewood**

**R1160 Pt6; DW680642**

**163**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that a 70kph speed zone be installed from approximately 700m west of Tanglewood Drive for a distance of 3km on Clothiers Creek Road to Bogangar on a temporary basis until the reconstruction of this section of Clothiers Creek Road is completed.

**Voting - Unanimous**

**2. Anconia Avenue, Tweed Heads West**

**R0160; DW675576; 681910**

**164**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that:-

1. A 1m wide cleared zone be created behind the kerb and gutter on the western side of Piggabeen Road between Gollan Drive and Anconia Avenue.
2. The 50kph signs be relocated to Gollan Drive.
3. The area be included for assessment on the 2002/2003 Streetlighting Program.

**Voting - Unanimous**

**3. Florin Lane / Myrtle Street, Murwillumbah**

**R2110 Pt1; R3660 Pt1**

**165**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that no further action be taken with traffic flow in Florin Lane.

**Voting - Unanimous**

**5. Satinwood Road, Chillingham**

**R4914; DW681507**

**166**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that temporary closure of Satinwood Road at the Numinbah Road end adjacent to the Chillingham Public Hall from 7:30am to 5:30pm on Sunday 4 August 2002 be approved subject to normal temporary road closure procedures being in place including Police approval and public liability insurance is effected according to RTA guidelines for such public events.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

### 7. Clothiers Creek Road – Road Safety Audit

**R1160 Pt6**

167

Cr Boyd

Cr Luff

**RESOLVED** that:-

1. The Committee endorsed the provision of 'Stop' signs at the intersection of Kindalyn Court with Clothiers Creek Road.
2. Additional speed zone reminder signs on Clothiers Creek Road be installed.

**Voting - Unanimous**

### 8. Nullum Lane, Murwillumbah

**R3771; DW682298**

168

Cr Boyd

Cr Luff

**RESOLVED** that the temporary closure of Nullum Lane be approved from the Kangia Steiner School northern boundary to Prince Street between 9:00am and 2:00pm on Saturday 10 August 2002 in accordance with Police approval and public liability insurance being effected in accordance with RTA guidelines for such public events.

**Voting - Unanimous**

### 10. Tumbulgum Road, Murwillumbah

**R5570 Pt1**

169

Cr Boyd

Cr Luff

**RESOLVED** that the bus zone on Tumbulgum Road at the intersection of Sunnyside Lane, be reduced to allow one bus at a time to pick up and drop off passengers and a 10 metre no stopping zone be installed on Tumbulgum Road from Sunnyside Lane toward the CBD area.

**Voting - Unanimous**

170

Cr Boyd

Cr Luff

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

**Voting – Unanimous**

## OUTSTANDING INSPECTIONS

Nil

# Minutes - Meeting of Tweed Shire Council

## ITEMS OF INTEREST & INFORMATION

Nil

## ORDERS OF THE DAY

### 1. Development Application K99/1682

Notice of Motion; DA5937/740 Pt3; DW687700

This item was dealt with at Minute No 117.

## ITEM MOVED FROM CONFIDENTIAL TO ORDINARY COUNCIL

## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

### 1. Unauthorised Doof/Rave Parties at Lot 5 DP 785565, Kirbys Road, Limpinwood

DA2910/111 Pt1; 2910.111; Legal-Matters; Pollution-Noise

171

Cr Youngblutt

Cr Marshall

**RESOLVED** that this matter be referred to Council's Solicitors for appropriate legal action to be commenced to prevent the holding of any further rave parties or the like at Lot 5 DP 785565, Kirbys Road, Limpinwood without approval being granted.

**Voting – Unanimous**

## WORKSHOPS PREVIEW

Nil.

## QUESTION TIME

### Release of Report from TEDC

**TEDC**

Cr Beck

Advised that the Rural Committee formed to investigate the size of blocks were told they would be given a copy of the TEDC report before it was released to the public and asked will this occur.

The General Manager responded that this matter would be investigated and Councillors would then be advised by memorandum.

**Multicap**

**DA3740/470 Pt3**

Cr Marshall

Asked that Council receive and update on the Multicap development.

Cr Boyd responded that Multicap is endeavouring to have the Development Application approved but the process had been delayed due to the requirement of a further Study. He further advised that no further funds were to be raised prior to Development Application approval.

# Minutes - Meeting of Tweed Shire Council

## COMMITTEE OF THE WHOLE

172

Cr Marshall

Cr Luff

**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:-

**Address by Mr Tony Smith, Stacks the Law Firm with Halliday and Stainlay**

**Legal Opinions**

Mr Tony Smith addressed Council on Items 3 and 4 of the Confidential Agenda.

## ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 3.25pm.

## DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 3, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead has a family member on staff with Hickey Lawyers.

### 3. Development Consent S97/54 - Cobaki Lakes

**GS4/97/54 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*

C32

That :-

- A. Hickey Lawyers be advised that in relation to Development Consent 97/54 Council does not consider that the carrying out of subdivision work (including surveys) is capable of constituting "Physical Commencement" without the prior compliance with s81A(4) of the Environmental Planning and Assessment Act. Council does not propose to advise you as to whether Physical Commencement has taken place and your clients should rely upon their own advice and legal interpretation. It will be noted that the case referred to before Talbot J was dealing with matters prior to s81A(4) being applicable.

## Minutes - Meeting of Tweed Shire Council

- B. As a matter of Policy where Council is asked to provide advice as to whether a development consent has commenced that that advice not be given unless Council is required to determine the issue as part of its statutory responsibilities in the planning process under the Environmental Planning and Assessment Act, 1979 as amended.

**Voting For**

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

**Voting Against**

Cr Beck

### RETURN TO MEETING

Cr Brinsmead returned to the meeting.

### REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Unauthorised Doof/Rave Parties at Lot 5 DP 785565, Kirbys Road, Limpinwood DA2910/111 Pt1; 2910.111; Legal-Matters; Pollution-Noise**  
*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*

This item was dealt with in Open Council at Minute No. 173.

### DECLARATION OF INTEREST

**Cr Brinsmead**

Declared an interest in Items No 2 and 4, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead has a family member on staff with Hickey Lawyers.

## Minutes - Meeting of Tweed Shire Council

### 2. Unauthorised Works - Kings Forest

**DA1740/37 Pt1; Kings Forest Dev; 1740.37; 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*

#### C36

That Council's Solicitors – Stacks the Law Firm – be instructed to initiate legal proceedings, for works undertaken without consent being the propagation of the Lemon Myrtle plantation on the land known as Cudgen Paddock and part of the Kings Forest property.

#### Voting For

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

#### Voting Against

Cr Beck  
Cr Marshall

### 3. Development Consent S97/54 - Cobaki Lakes

**GS4/97/54 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*

This item was dealt with earlier in the meeting at Minute No C32.

## REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

### 4. Kings Forest and Narui Noran Pty Limited

**GT1/LEP/2000/20 Pt 5; Kings Forest Development; LEP Kings Forest; Legal Opinion**

*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*

#### C37

That this report be received and noted.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

**5. Contract EC2002-71 - Provision of In-House Consultancy Services for Various Investigations & Option Reports for Water & Sewerage**  
**GC12/1-3 Pt1; Contracts/Quotations - Consultancies**

*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*

**C38**

That:-

1. Council accepts the tendered rates submitted by the Consultants nominated below for a two (2) year period
  - a. Major Consultants**
    - i. Gutteridge Haskins & Davey
    - ii. Hunter Water Australia
    - iii. Montgomery Watson Harza
  - b. Minor Consultants**
    - i. Zemek Environmental
    - ii. EnviroEngineering
    - iii. Water Engineering & Research Solutions
2. The General Manager be given delegated authority to engage on a project-by-project basis, any of the preferred consultants dependant upon suitability for purpose and tendered rate.

**Voting - Unanimous**

**6. Augmentation of Hastings Point Sewage Treatment Plant - Variations**  
**Sewerage Treatment - Hastings Pt – Augmentation-Stage3**

*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*

**C39**

That Council approves the variations to the Department of Public Works and Services for the detailed design of the augmentation of the Hastings Point STP to 18,000 EP for the lump sum amount \$46,550.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

### 7. EC2002-53 Supply of Traffic Control Teams for Council Roadworks

**Contracts/Quotations-Annual Supply; Contracts/Quotations-Roads/Drainage; Traffic-Safety**  
*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*

#### C40

That the tender from United Protection Services Pty Ltd be accepted at the Schedule of Rates listed in Table 1 of this report for the period up to 30 June 2004.

**Voting - Unanimous**

### 8. EC2002:86 Manufacture, Supply and Delivery of 2500m of 300mm Diameter Pressure Pipe

**Contracts/Quotations-Annual Supply**

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

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

#### C41

That the contract for the manufacture, supply and delivery of 2500m of 300mm diameter DICL pressure pipe and poly sleeving with a total price of \$226,875 be awarded to Tyco Water.

**Voting – Unanimous**

## RETURN TO MEETING

Cr Brinsmead returned to the meeting.

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

### 9. Development Application 1338/2001 for the Erection of a Rural Workers Dwelling at Lot 1 DP 772338 No 68 Simpson Drive, Bilambil Heights

**DA0530/441 Pt1; 530.441**

*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*

#### C42

That this item be deferred to allow clarification of the report by Director Environment & Community Services.

**Voting – Unanimous**



# Minutes - Meeting of Tweed Shire Council

## 10. Building Works Without Prior Approval of Council at Lot 84 DP32024 No 62 Lalina Avenue, Tweed Heads West

DA3010/500 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*

C43

That Council:-

1. Institutes legal proceedings against the landowner, Mr Stephen & Mrs Jean Boyle, under the provisions of Section 125 of the Environmental Planning and Assessment Act for carrying out the work without consent at Lot 84 DP32024, being No 62 Lalina Avenue, Tweed Heads West.
2. Issues a Notice of Intention to serve an Order 2(a) in the table pursuant to Section 121B of the Environmental Planning and Assessment Act on Mr Stephen & Mrs Jean Boyle ordering the demolition of the lower floor addition erected without consent at Lot 84 DP32024, being No 62 Lalina Avenue, Tweed Heads West within sixty days of the date of issue of the Order and advises the owner that representations (as to the order proposed and/or the time for compliance proposed) may be made to Council by or at Council's Community Access Meeting on 11 September 2002 or in writing prior to 11 September 2002.

### Voting For

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

### Voting Against

Cr Beck  
Cr Brinsmead

## LATE ITEM

C44

That Item 10a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

**Voting – Unanimous**

## ADJOURNMENT OF MEETING

The Mayor adjourned the meeting for 10 minutes to allow Councillors the opportunity to read Item 10a.

## RESUMPTION OF MEETING

The Meeting resumed.

# Minutes - Meeting of Tweed Shire Council

## 10a. Lizzio Subdivision - Receipt and Processing of Application for Dwellings on Allotments

GS4/95/73 Pt4

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

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

C45

That

1. Notwithstanding Council's previous resolution C184 from the meeting of 20 March 2002 that Council agrees to the process of accepting a suitable Geotechnical Investigation Report which includes certification that the allotment will remain above the required level of RL 5.0m AHD and details of the quality of any additional fill required together with an unequivocal certificate from a practising structural engineer certifying that he has considered the foundation conditions of the site and that the building will be structurally sound and not subject to subsidence below the required RL 5.3 metres AHD and that the certificate state that the certifier has considered the geotechnical information appended to the certificate and the past history of the site, including the sub-strata upon which the filling is placed, the filling and the subsidence that has occurred within the subdivision. This process being deemed to satisfy the requirements of Item 2 of Council's previous Resolution C184.
2. The Council provides a copy of Item 1 of the resolution to Mr Lizzio and Mike Allan and Associates with the advice that should they object to the proposal, they must advise Council within 48 hours after which time Council will advise the owners of Lot 16 Carmen Place, Condong of the protocol stated in Item 1 of this resolution.

**Voting - Unanimous**

## ITEMS NOT ON THE AGENDA

**Attendance at Meeting with the Director General of the Ministry of Arts – Sydney, 15 August 2002**

**Councillor-Conferences**

C46

That the Mayor and Cr Boyd be authorised to attend such meeting.

**Voting For**

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

**Voting Against**

Cr Beck  
Cr Brinsmead

# Minutes - Meeting of Tweed Shire Council

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Cr Boyd

Cr Luff

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

**Voting - Unanimous**

There being no further business the Meeting terminated at 9.24pm.



**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 43 of these Minutes**

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**Chairman**