

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.

Mr Russell Logan (Aboriginal Mentor Program)

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 Reg Norvill (Acting Director Corporate Services), Mr Peter Brack (Acting Manager Administration Services/Public Officer) and Maree Morgan (Minutes Secretary).

The meeting opened with a Prayer by Council's Chaplain Right Reverend John Grindrod.

Eternal God we thank you for the joy of our recent Festival, and your blessings to the young and all of us throughout the year.

And now, Lord, we pray with people of all the Churches this week for Refugees and Asylum seekers:-

*Lord, no one is a stranger to you
and no one is ever far from your loving care.
In your kindness watch over refugees and asylum seekers,
those separated from their loved ones, those who are lost,
and those who have been exiled from their homes.
Bring them safely to the place where they long to be,
And help us always to show your kindness to strangers and those in need, Amen.*

We pray to for homeless, deserted and lonely people in our own area and community:

*God of mercy and pity, remember the homeless, the destitute, the sick, the aged,
and all who have none to care for them.
Heal those who are broken in body or spirit, and turn their sorrow into joy.
Help us to minister to their needs,
for the love of Jesus Christ, who for our sake became poor lived in humility,
and service of those in need, and gave his life for us. Amen.*

And now, gracious God, be our guide in this Council meeting; help us to perceive and know the things we ought to do, and to have grace and strength faithfully to do them.

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CONFIRMATION OF MINUTES

737

Cr Luff

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 20 August 2003 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil.

DELEGATES REPORT

Nil

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

738

Cr Luff

Cr Youngblutt

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Bogangar/Cabarita Beach Advisory Steering Committee

Cabarita Precinct Plan

This item was received and noted.

2. Southern Cross University

Southern Cross University

This item was received and noted.

3. Gold Coast Soccer

Sport & Recreation - General

This item was received and noted.

4. Murwillumbah Netball

Councillors' Invitations

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This item was received and noted.

5. Banana Festival

Banana Festival

This item was received and noted.

6. Banana Festival

Banana Festival

This item was received and noted.

7. Banana Festival

Banana Festival

This item was received and noted.

8. NOROC

NOROC

This item was received and noted.

9. Citizenship Ceremony

Citizenship Ceremony

This item was received and noted.

10. Bus Tour of Shire

Local Government Week

This item was received and noted.

11. Murwillumbah Chamber of Commerce

Councillors' Invitations

This item was received and noted.

12. Small Schools Concert

Councillors' Invitations

This item was received and noted.

13. Indy Carnival

Councillors' Invitations

This item was received and noted.

14. Banana Festival

Banana Festival

This item was received and noted.

15. Fingal Rovers SLSC

Councillors' Invitations

This item was received and noted.

16. Banana Festival

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Banana Festival

This item was received and noted.

17. Beijing Xinaohua Business Center

Councillors' Invitations

This item was received and noted.

18. Riversymposium

Riversymposium

This item was received and noted.

19. Young Leaders Foundation Ltd

This item was received and noted.

Adoption of Mayoral Minute

739

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting – Unanimous

SUSPENSION OF STANDING ORDERS

740

Cr Polglase

Cr Beck

RESOLVED that standing orders be suspended to deal with Item 4 of the Agenda.

Voting – Unanimous

4. Development Application DA03/0336 for Multi-Dwelling Housing Development Comprising 6 x 2 Bedroom Units - 3 Units Each in 2 Buildings at Lot 148 DP 755730, Mitchell Street, Uki

DA03/0336 Pt1; LN 19955

741

Cr James

Cr Boyd

RESOLVED that Development Application DA03/0336 for multi-dwelling housing development comprising 6 x 2 bedroom units - 3 units each in 2 buildings at Lot 148 DP 755730, Mitchell Street, Uki be refused for the following reasons:

1. The proposed development is contrary to the objectives of the 2(d) Village zone in that it does not provide development of a design or scale that makes a positive contribution to the character of the village.
2. The proposed development is contrary to the objective of the Tweed Local Environmental Plan 2000 as the proposal is in not compatible with the area's environmental and residential amenity qualities.

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3. The proposed development undermines the heritage significance of the Uki Heritage Conservation Area as provided for by the Tweed Local Environmental Plan 2000.
4. The proposed development is not accompanied by adequate information to demonstrate compliance with Council's Access to Property Policy.
5. The proposed development is contrary to the character of Uki in relation to the scale and density.
6. The proposed development would result in an unacceptable precedent for development in the Village of Uki.
7. The proposed development is not in the public interest.

Voting For

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

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Youngblutt

URGENCY MOTION

742

Cr Polglase

Cr Boyd

RESOLVED that the Urgency Motion be dealt with.

Voting - Unanimous

Murwillumbah Railway

Transport - Railways General

743

Cr Polglase

Cr Boyd

RESOLVED that Council:

1. Seeks an urgent meeting with local State Member, Mr Neville Newell, with reference to the possible closure of the Casino-Murwillumbah Railway and seeks the member's assurance that this line will remain open.
2. Prepares letters to be forwarded to the NSW Premier and the Minister for Transport seeking assurance that the Casino-Murwillumbah Railway line remains open.

Voting - Unanimous

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RESUMPTION OF STANDING ORDERS

744

Cr Polglase

Cr Boyd

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

ITEMS DEFERRED

Nil

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Amendment to Section 94 Contribution Plan No 1 - Banora Point West/Tweed Heads South Open Space**

GT1/S94/1 Pt1; Section 94

745

Cr James

Cr Marshall

RESOLVED that Council:

1. Approves the amended Section 94 Plan No 1 as advertised; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plan comes into effect on the date of the notice.

Voting - Unanimous

2. **Amendment to Section 94 Contribution Plan No 5 - Local Open Space**

GT1/S94/5 Pt1; Section 94

746

Cr Boyd

Cr Davidson

RESOLVED that Council:

1. Approves the amended Section 94 Plan No 5 as advertised; and
1. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plan comes into effect on the date of the notice.

Voting - Unanimous

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3. Exhibition of Draft Tweed Local Environmental Plan 2000 (Amendment No 44) - Creek Street, Hastings Point

GT1/LEP/2000/44 Pt1; LEP/2000/44; LN 18879

747

Cr James

Cr Marshall

RESOLVED that Council:

1. Adopts the amended draft Tweed Local Environmental Plan 2000 (Amendment 44) zone map as shown in Figure 3 and amends the Written Instrument, as follows:

Amend Clause 31 Development adjoining waterbodies

Insert new objective in Clause 31(1):

- *“To minimise the impact on development from know biting midge and mosquito breeding areas”.*

Insert Clause 31(3)(e):

“(e) it has considered the likely impact of biting midge and mosquitoes on the residents and tourists and the measures to be used to ameliorate the identified impacts”.

Amend Clause 25 by inserting Clause 25(4):

“(4) The consent authority must not grant consent to development (other than for the purpose of agriculture or a home business) on land within Zone 7(a) without having regard to any representation made by NSW Fisheries and the NSW National Parks & Wildlife Service”;

2. Forwards the adopted draft Plan to the Department of Infrastructure, Planning and Natural Resources under Section 68 of the Environmental Planning and Assessment Act with a request that the Minister make the Plan.

Voting - Unanimous

4. Development Application DA03/0336 for Multi-Dwelling Housing Development Comprising 6 x 2 Bedroom Units - 3 Units Each in 2 Buildings at Lot 148 DP 755730, Mitchell Street, Uki

DA03/0336 Pt1; LN 19955

This item was dealt with at Minute No 741 of this Agenda.

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5. **Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA03/1101) for Multi-Dwelling Housing Comprising of Five (5) Units at Lot 31 DP 260298, No. 2 Joshua Street, Murwillumbah**
DA03/1101 Pt1; LN 6659

748

Cr Luff

Cr Marshall

RESOLVED that Council: -

1. Informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that, pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to rezone Lot 31 DP 260298 from 3(b) General Business to 2(a) Low Density Residential to enable development for the purposes of multi dwelling housing comprising 5 units.
2. Advises the Director General that it does not consider a Local Environmental Study to be needed.
3. The Director General of Department Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.

Voting - Unanimous

6. **Development of the Murwillumbah Community Support Centre**
Leases - Council Property; LN 2174; LN 7236

749

Cr Davidson

Cr Carroll

RESOLVED that:

1. This report be received and noted.
2. A meeting of representatives of all nineteen (19) potential users of this facility be called by Council officers to seek advice as to the space each will require and their input into preliminary plans for the centre.

Voting - Unanimous

REPORTS FROM CORPORATE SERVICES

7. **Northern Rivers Regional Organisation of Councils (NOROC) - Committee Membership**

NOROC

750

Cr Boyd

Cr Luff

RESOLVED that the Mayor be appointed to the Executive Committee of the Northern Rivers Regional Organisation of Councils.

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Voting - Unanimous

8. **Publications from the NSW Ombudsman - "Bias, Bad Faith and Breach of Duty" and "Conflict of Interests"**

Ombudsman

751

Cr Davidson

Cr Luff

RESOLVED that the fact sheets issued by the NSW Ombudsman be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

9. **Burringbar Mooball Community Reference Group Inclusion of New Members Sewerage - Burringbar; Sewerage Treatment - Burringbar - Augmentation Stage 1**

752

Cr Luff

Cr Boyd

RESOLVED that Council accepts the following nominated Mooball representatives for inclusion into the Community Reference Group:-

Mr Ross Lynn – Member of the Mooball & District Moovers

Miss Adrian Bowden – Member of the Mooball & District Moovers and proprietor of Mooball Produce

Mr Patrick Cerato – Member of Mooball & District Moovers and proprietor of Mooball Produce

Mr Craig Anderson – Member of Mooball & District Moovers and operator of Mother Earth Aquaculture business

Dr Paul Malouf – Member of Mooball & District Moovers and medical practitioner at Tweed Heads

Voting - Unanimous

10. **Naming and Re-Naming of Beaches Along the Coastline Between Wooyung and Fingal Head**

GG2/1 Pt5; Beaches - General; Geographical Names Board; DW 94396

Cr Marshall

Cr Youngblutt

PROPOSED that Council:-

1. Approves the formalisation of the names of the following beaches:-

Letitia Beach, Fingal Head Beach, Wommin Beach, Kingscliff Beach, South Kingscliff Beach, Casuarina Beach, North and South Pottsville Beach and Wooyung Beach;

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2. Seeks submissions with regard to the naming of the un-named beach extending from Norries Head south to Hastings Point and any surf breaks located on Tweed beaches; and
3. Publicises its intention allowing one month for written submissions and objections to the proposed naming and re-naming.

AMENDMENT

753

Cr Boyd

Cr Lawrie

RESOLVED that:

1. Before Council makes its recommendation to the GNB about the naming of the beaches along its coastline as proposed by Mr Jack Devery, Council invites public input to assist it in the formal naming of the following beaches:

Letitia Beach, Fingal Head Beach, Wommin Beach, Kingscliff Beach, South Kingscliff Beach, Casuarina Beach, North and South Pottsville Beach and Wooyung Beach;

2. Seeks submissions with regard to the naming of the un-named beach extending from Norries Head south to Hastings Point and any surf breaks located on Tweed beaches; and
3. Publicises its intention allowing one month for written submissions and objections to the proposed naming and re-naming.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

11. Proposed Amendments to Roads Act 1993

Road - Amendments to Roads Act; Letter of Support; DW 940385

754

Cr Luff

Cr Davidson

RESOLVED that Council advises the Member for Ballina, Mr Don Page, of its support for the proposed amendments to the Roads Act, 1993.

Voting - Unanimous

12. Impact of Farming Practices at Cudgen on Cudgen Creek Water Quality

Waterway - Cudgen Creek; Estuary Management; Water Management - Water Quality - Monitoring - Catchment

755

Cr Luff

Cr Boyd

RESOLVED that Council undertakes a targeted water quality monitoring program to determine the impact of farming practices at Cudgen on the Cudgen Creek and estuary.

Voting - Unanimous

756

Cr Boyd

Cr Brinsmead

RESOLVED the document "Erosion Control at Cudgen NSW" be copied and provided to all appropriate landowners in the Cudgen/Duranbah area.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.00pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.35pm.

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13. Classification of Land - Lake Kimberley, Banora Point

DA5937/740 Pt4; Lake Kimberley; Land - Transfer

757

Cr Boyd

Cr Carroll

RESOLVED that the land transferred to Council as "open space", described as Lot 1 in DP 1014553 be classified as Operational under section 31 of the Local Government Act, 1993.

Voting - Unanimous

14. Maintenance Limits - Glengarrie Road

R2230; Glengarrie Road; Roads - Maintenance Program

758

Cr Boyd

Cr Carroll

RESOLVED that this item be deferred to allow the resident to address Community Access.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

LATE ITEM

759

Cr Boyd

Cr Davidson

RESOLVED that Item 14a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

14a. Speed on Tweed - Street Dinner

Alcohol Free Zones; Speed on the Tweed

760

Cr Boyd

Cr Carroll

RESOLVED that Council approves:

1. The Alcohol Free Zone from the intersection of Wharf Street and Commercial Road through to the intersection of Brisbane Street and Murwillumbah Street be suspended for the "Speed on Tweed Street Dinner" on Saturday 20 September 2003 between 6.00pm and 9.00pm.
2. Delegated authority is given to the Director Environment & Community Services to suspend the Murwillumbah CBD Alcohol Free Zone for appropriate community events in the future.

Voting - Unanimous

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REPORTS FROM COMMITTEES/WORKING GROUPS

1. **Minutes of the Local Traffic Committee Meeting held Thursday 14 August 2003**
Traffic Committee

3. **Tweed Valley Way**
R4031 Pt 17 – DW918630; Local Area Traffic Management LATM; Tweed Valley Way

761

Cr Boyd

Cr Davidson

RESOLVED that this item be deferred to allow the proponent to address Council's Community Access meeting on 10 September 2003.

Voting - Unanimous

6. **Covent Gardens Way, Banora Point**
Covent Gardens Way; R1393 Pt1; Parking Zones

762

Cr Boyd

Cr Davidson

RESOLVED that "No Stopping" signs be erected on Covent Gardens Way on the southern side between Honeymyrtle Drive and the Reserve.

Voting - Unanimous

1. **Enid Street, Tweed Heads**
R1910 Pt2; R0520 Pt1; R1980 Pt2; DW929117; Local Area Traffic Management LATM:
Empire Lane; Beryl Street, Enid Street

763

Cr Boyd

Cr Davidson

RESOLVED that a "Stop" sign and linemarking be installed on Empire Lane at the intersection with Enid Street.

Voting - Unanimous

2. **Marine Parade, Kingscliff**
R3340 Pt5 - DW933217; Parking Zones; Marine Parade

764

Cr Boyd

Cr Davidson

RESOLVED that 1 hour parking signage be erected on Marine Parade from Turnock Street to the zebra crossing to the north.

Voting - Unanimous

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3. Leisure Drive (Centaur School)

R3035 Pt 3; Traffic – School Zones; Leisure Drive

765

Cr Boyd

Cr Davidson

RESOLVED that the Committee unanimously supported the extension of the school zone to Fraser Drive along Leisure Drive once the High School is operational.

Voting - Unanimous

7. 50kph Default Urban Speed Limit – Reassessment of Some Existing 60kph Roads

Traffic – Speed Zones; R0400 Pt1; R5431 Pt3; R1540 Pt3; R0115 Pt1; R2150 Pt1; R3035 Pt3; R2315 Pt1; R2100 Pt2; R5901 Pt1; R5480 Pt1; R2100 Pt2; R5901 Pt1; R5480 Pt1; R0470 Pt2; R4880 Pt1; R5950 Pt1; R2890 Pt 1; R4170 Pt1; R5605 Pt1; R5345 Pt1; R4970 Pt1; Traffic – Speed Zones

766

Cr Boyd

Cr Davidson

RESOLVED that the following streets be included to be changed to 50kph in accordance with the new General Urban Speed Limit of 50kph to take effect in November 2003:-

- Banora Hills Drive, Terranora Road to Darlington Drive
- Amaroo Drive – Darlington Drive to Fraser Drive
- Darlington Drive from Leisure Drive to Greenway Drive (Leisure Drive to Highway to remain at 60km/h)
- Florence Street from Wharf Street to Thompson Street
- Thompson Street from Florence Street to Bay Street
- Sand Street, Kingscliff from Wommin Bay Road South
- Kingscliff Street from Wommin Bay Road to Pearl Street
- Pearl Street from Kingscliff Street to Turnock Street
- Sutherland Street from Seaview Street to South of Kingscliff Bridge

Voting - Unanimous

767

Cr Boyd

Cr Carroll

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

Voting - Unanimous

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Pedestrian Movements in Boyd and Enid Streets, Tweed Heads

Boyd Street; Enid Street

768

Cr Luff

Cr Boyd

RESOLVED that Council officers conduct an investigation of vehicle/pedestrian movements in Boyd Street between Florence and Brett Street with a view to installing a pedestrian refuge.

Voting - Unanimous

- 2. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 17 July 2003**

Disability Access Committee

- 8. Regional Access Meeting**

Disability Access Committee; LN 19297; No. 27 Ewing Street

769

Cr Boyd

Cr Carroll

RESOLVED that Council requests a report be brought forward on conducting an "access" survey.

Voting - Unanimous

- 1. Letter re: disabled parking**

Disability Access Committee; Civic Centre - Murwillumbah

770

Cr Boyd

Cr Carroll

RESOLVED this item be received and noted on the comments of the Director Environment & Community Services.

Voting - Unanimous

- 7. Difficulty for Committee Members to Attend Meetings**

Disability Access Committee; Civic Centre - Tweed Heads

771

Cr Boyd

Cr Carroll

RESOLVED this item be received and noted on the comments of the Director Environment & Community Services.

Voting - Unanimous

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8. Travel Funding for Committee Members

Disability Access Committee; Budget

772

Cr Boyd

Cr Carroll

RESOLVED that a report be brought forward to Council in the impacts of the allocation of a proportion of funds from the Disability Access Budget.

Voting - Unanimous

773

Cr Boyd

Cr Carroll

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

Voting - Unanimous

3. Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2003

Tweed Coastal Committee; Disability Access Committee

1. Nominations from the Kingscliff and Pottsville Communities for Representation on the Tweed Coastal Committee

Tweed Coastal Committee

774

Cr Boyd

Cr Luff

RESOLVED that Council appoints Peter Harding and Jason Pearson as the community representatives on the Tweed Coastal Committee for Pottsville Beach and Kingscliff respectively.

Voting - Unanimous

1. Cudgen Creek - Impacts of Farm Management Practices on Water Quality

Cudgen Creek / Pollution - Water; Water Management - Water Quality - Monitoring Catchment

775

Cr Boyd

Cr Luff

RESOLVED that Council, in partnership with DIPNR and NSW Agriculture, seek to find an individual or group who are willing to lead by example by putting into practice best management guidelines for erosion control on Cudgen Plateau farmlands as exemplified by changes in management practices by local cane farmers.

Voting - Unanimous

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2. NSW Coastal Conference 2003

Tweed Coastal Committee; NSW Coastal Conference

776

Cr Boyd

Cr Luff

RESOLVED that Council authorise that the Chair of the Tweed Coastal Committee (or alternative representative) attend the NSW Coastal Conference 2003 to be held at Port Macquarie in November.

Voting - Unanimous

777

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Tweed Coastal Committee Meeting be adopted.

Voting - Unanimous

4. Minutes of the Tweed River Committee Meeting held Wednesday 13 August 2003

Tweed River Committee

4. Fingal Peninsula Wetlands and Wobul Creek - Consultant Appointments

Fingal Peninsula; Wetland

778

Cr Boyd

Cr Luff

RESOLVED that every effort be undertaken to utilise the local Aboriginal people in the project and the project be expedited.

Voting - Unanimous

2. DIPNR Boating Infrastructure And WADAMP Grant Applications

Tweed River Committee; Boating - Master Boating Plan

779

Cr Boyd

Cr Luff

RESOLVED that boating infrastructure works be discussed with commercial operators before making any decisions for upgrading old or developing new facilities.

Voting - Unanimous

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3. Chinderah Marina

Tweed River Committee

780

Cr Boyd

Cr Luff

RESOLVED that Council note the significant outstanding issues and deficiencies in the EIS for the Chinderah Marina proposal, and recognise that the Tweed River Committee considers it unfit for approval in its current form.

Voting - Unanimous

781

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Tweed River Committee Meeting be adopted.

Voting - Unanimous

DELEGATES REPORTS

Nil

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

ORDERS OF THE DAY

1. Outdoor Dining - Car Parking

Outdoor Dining Policy; Car Parks - Code

782

Cr Luff

Cr James

RESOLVED that Council prepares a Plan to enable and require the applicant for any proposal for outdoor dining to provide car parking except for a proposal for four or less seats.

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

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WORKSHOPS PREVIEW

Nil

QUESTION TIME

Murwillumbah Civic & Cultural Centre - Auditorium

Questions Without Notice; Maintenance - Air Conditioning; Civic Centre - Murwillumbah Cr Beck

Asked if Council was aware that the air conditioning in the Murwillumbah auditorium is not running properly or is not being set correctly and as a result people are leaving during functions because of it. Can something be done about this problem?

General Manager advised that the concerns about the air conditioning will be directed for attention by Council's air conditioning maintenance contractor.

Track for Motor Bike Riders

Question Without Notice; Sport & Recreation - General

Cr Beck

Asked what is Council doing about a track for the motor bike riders? We have been promising them some area to call their own for years now and no results, so hundreds of young people are disadvantaged just because they don't play football, hockey or netball.

General Manager advised that he will seek further information and advice and forward it on for Councillors information.

Piggabeen Road Deviation

Questions Without Notice; R4300 Pt8; Piggabeen Road

Cr Luff

Asked what plans or timetable does Council have for building any deviation of Piggabeen Road near the Cobaki Bridge?

The Director Engineering Services responded that Council is currently waiting upon final approval from the Department of Natural Resources, which is believed to be imminent. No funding has been allocated to date in this financial year however some monies may be allocated for preliminary works.

Southern Boatharbour - Wharf

Southern Boatharbour; Wharfs

Cr Boyd

Asked what stage has been reached with the proposed construction of the public wharf in the southern Boatharbour?

The Director Engineering Services advises that Development Approval has been granted. Tenders and expressions of interest have now closed and a report is currently being prepared for an upcoming Council's meeting.

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COMMITTEE OF THE WHOLE

783

Cr Boyd

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:-

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Unauthorised Earthworks on Lot 113 DP 1031933, Tweed Coast Road, Kingscliff
DA02/1693 Pt1; LN 44307**

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

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

C149

RESOLVED that legal action cease in relation to unauthorised earthworks that occurred in April 2003 on Lot 113 DP 1031933, Tweed Coast Road Kingscliff.

Voting - Unanimous

LATE ITEM

C150

That Item 1a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

- 1a. **Tweed Shire Council and Gales Holdings Court Proceedings: Appeal against Council's Development Consent Refusal for the Development Application for a Shopping Centre, Turnock Street, Kingscliff**

DA02/2092 Pt4; LN: 40110

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

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C151

That this report be received and noted.

Voting - Unanimous

REPORTS FROM CORPORATE SERVICES IN COMMITTEE

2. Provision of Legal Services for Council

Legal Services; Contracts/Quotations - Administration

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*

C152

That:

1. Council's legal services contract be awarded to Stacks Tweed Heads for a period of three (3) years commencing from 7 September 2003.
2. All documentation be completed under the Common Seal of Council.

PROCEDURAL MOTION

C153

That the Motion be put.

Voting – Unanimous

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Sale and Lease of Council Owned Land at Chinderah Bay

R1071 Pt3; Road Closures - General; Leases - Special; Chinderah Bay Drive

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*

C154

That Council accepts the rescission of the Contract by the Purchaser should the Purchaser elect to do so and enter negotiation on the basis of the August 2003 State Valuation Office valuation.

PROCEDURAL MOTION

C155

That the Motion be Put.

Voting – Unanimous

Voting For

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

Voting Against

Cr Brinsmead
Cr Lawrie

ORDERS OF THE DAY IN COMMITTEE

Nil

C156

Cr Boyd

Cr Davidson

RESOLVED that the Committee resumes in Open Council.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

784

Cr Marshall

Cr Boyd

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

Voting - Unanimous

There being no further business the Meeting terminated at 9.15pm.



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 23 of these Minutes**

Chairman