

Minutes - Extraordinary 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 Bob Missingham (Acting 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 Maree Morgan (Minutes Secretary).

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

The meeting opened with a Prayer by the Mayor.

ABSENT

Nil.

DELEGATES REPORT

Nil

DISCLOSURE OF INTEREST

Nil

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 4.35pm.

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Draft Amendment to Development Control Plan 231 and the Development Application for Stages 5 and 6 Koala Beach Deed of Agreement**

DA4917/235 Pt12

532

Cr Boyd

Cr Luff

RESOLVED that Council:

1. Delegates to the General Manager to finalise the draft Deed of Agreement (Annexure 1) with the developers of Koala Beach and Council's Solicitors subject to:
 - i) the addition of a clause which requires the completion of the open space prior to the release of the subdivision certificate for Stage 5 and/or 6;

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- ii) amending proposed Clause 3.1 to replace the word “owner” wherever it appears with the words “developer of Stages 5 and 6;
 - iii) amending proposed clause 3.1(a)(viii) to included a 25% contingency;
 - iv) delete proposed clause 22.1;
 - v) replacement of proposed clause 22.2 with the following:

“Plans for the access road to the active open space must be approved and the work contained in the plans completed prior to the release of the Subdivision Certificate for Stage 5 and/or 6 whichever occurs earlier. In the event that those works are not completed by that time Council will accept a bond for the value of the works plus 25%”;
 - vi) delete proposed Clauses 4B.1, 4B.2 and 4B.3 and insert the following:
 - “4B.1 The Owner will transfer to the Council, at the owner’s cost, prior to the release of the Subdivision Certificate for Stage 5 and/or 6, whichever occurs earlier, those parts of the Koala Beach Land as generally indicated as the area coloured blue, orange (and green and purple, unless already dedicated) on the plan in Annexure “F”.*
 - 4B.2 The land to be dedicated to Council in accordance with Clause 4B.1 shall be embellished to Council’s standards and approval prior to dedication.*
 - 4B.3 Prior to the dedication of land coloured blue and orange on the plan in Annexure 1, the owner shall prepare a Management Plan to Council’s satisfaction for that land in respect of Bushfire Management, Vegetation Management and Threatened Species and easement for access for purpose of maintenance.*
 - 4B.4 The Council acknowledges that the land to be transferred to the Council under Clause 4B.1 will not include a 10 metre (approximately) wide strip between the northern-most boundary of Stage 5 and the southern boundary of Stage 7 which will be used as a driveway access to Stage 7. Such area shall be determined by the Owner in its discretion but shall be generally in accordance with the location shown on the plan, in Annexure “F”.*
2. The amended and finalised Deed of Agreement be executed under the Common Seal of Council.
3. Council prepares and exhibits a draft amendment to Development Control Plan No 21 – Sea Ranch.

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4. Advises the Manager Assessments Branch, Department of Infrastructure, Planning and Natural Resources that no objection is raised to a recommendation being made to the Minister for the determination of the Development Application for Stages 5 and 6 Koala Beach prior to the exhibition and final Council decision on the draft amendments to Development Control Plan No 21 – Sea Ranch.

Voting - Unanimous

ORDERS OF THE DAY

DECLARATION OF INTEREST

Cr Brinsmead

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 Brinsmead has a relative involved in the development of Lot 2 and Lot 3 in Section 4 DP 9453 No. 34 Marine Parade, Kingscliff.

TEMPORARY ABSENCE FROM MEETING

Cr Beck left the meeting.

1. **Development Application DA02/1136 for a Mixed Commercial/Tourist Accommodation Development Including 8 Units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff**

Notice of Recision; DA02/1136 Pt2; LN: 11044

533

Cr Polglase

Cr Beck

RESOLVED that this matter be deferred to the next Ordinary Meeting following representations from the Minister for Infrastructure Planning and Natural Resources.

Voting – Unanimous

RETURN TO MEETING

Cr Beck returned to the meeting.

Cr Brinsmead returned to the meeting.

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There being no further business the Meeting terminated at 4.45pm.



Minutes of Extraordinary 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 4 of these Minutes**

Chairman