

IN ATTENDANCE

Councillors W J Polglase (Mayor), 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.

Mr Russell Logan (Aboriginal Mentor Program) from 3.22pm.

Also present were Dr John Griffin (General Manager), Mr Bob Missingham (Manager Works - from 3.00pm to 4.25pm), Mr Mike Rayner (Director Engineering Services - from 4.25pm), Mr David Broyd (Director Development Services), Mr Rick Paterson (Manager Building Services - from 3.00pm - 4.05pm), Mr Stewart Brawley (Acting Director Environment & Community Services - from 4.05pm), Mr Peter Brack (Acting Manager Financial Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

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

PRAYER

The meeting opened with a Prayer lead by the Mayor.

Lord, may the deliberations that we are about to undertake be done with thought and wisdom.

Amen.

CONFIRMATION OF MINUTES

Minutes of Council Meeting held 1 October 2003

868 RESOLUTION:

Councillor G Davidson
Councillor P C P Youngblutt

RESOLVED that the Minutes of the Council Meeting held 1 October 2003 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

Minutes of Extraordinary Council Meeting held 8 October 2003

869 RESOLUTION:

Councillor G Davidson
Councillor P C P Youngblutt

RESOLVED that the Minutes of the Extraordinary Council Meeting held 8 October 2003 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Councillor L F Beck

Councillor L F Beck has informed the General Manager that her absence is caused by her being out of the Shire.

Councillor B J Carroll

Councillor B J Carroll has informed the General Manager that her absence is caused by her being out of the Shire.

870 RESOLUTION:

Councillor H James

Councillor W M Marshall

RESOLVED that the apology of Councillor L F Beck and Councillor B J Carroll be accepted.

Voting - Unanimous

DELEGATES REPORT

Nil.

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

871 RESOLUTION:

Councillor G Davidson
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Bogangar/Cabarita Beach Advisory Steering Committee

2 October – meeting of the Bogangar/Cabarita Beach Advisory Steering Committee at Cabarita

2. Tweed Chess Competition

4 October - Chess Competition at Tweed Heads

3. Bilambil Soccer

4 October Bilambil Soccer U/12's V Indigenous Didgeridoos at Bilambil

4. Carlin Park

5 October – Dedication of Carlin Park at Tweed Heads

5. Tweed Chess Competition

5 October – presented trophies to winners of Tweed Chess Competition

6. Tweed Futures

6 October – attended Banora Point Residents Association Tweed Futures meeting at Tweed

7. TACTIC

7 October – attended preview new destination marketing campaign and TV Commercials at Twin Towns

8. NRACC

9 October – meeting of NRACC at Ballina

9. Gold Coast Soccer

11 October – Gold Coast Soccer Annual Presentation Dinner at Gold Coast

10. Casuarina Beach Project

13 October – Telstra release Casuarina Beach Project at Casuarina

INVITATIONS ACCEPTED:

- 16 October – Tweed Futures Steering Committee
- 16 October – Silver Jubilee Celebration Election to Papacy of Pope John Paul 11 at Tweed Heads
- 17 October – TACTIC Chinderah VIC Project – GC Airport Boardroom
- 18 October – Opening Chillingham Community Centre
- 18 October – Coloon Kid's Fest Tweed Heads
- 18 October – Lindisfarne P & C Bi-Annual School Fete
- 27 October – Opening South Tweed Branch of Summerland Credit Union
- 28-31 October – Planning Institute Conference in Thredbo
- 1 November – Casuarina Ocean Festival Ceremony & Dinner
- 3 November – GM's Group Meeting + Mayors at Lismore
- 5 November – NRACC meeting in Canberra

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- NSW Coastal Conference at Panthers Port Macquarie 4-7 November
-

ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

EXECUTIVE

Name	From	To	Location	Details
GM	13 October 2003	13 October 2003	Lismore	GM's Group Meeting
GM	24 October 2003	24 October 2003	Sydney	LGMA General Managers Forum

872 RESOLUTION:

Councillor W J Polglase

RESOLVED that the Mayoral Minute be adopted.

Voting - Unanimous

ITEMS DEFERRED

[ID] Maintenance Limits - Glengarrie Road

873 RESOLUTION:

Councillor H James
Councillor G Davidson

RESOLVED that Council again advises that it would only accept maintenance of the additional section of Glengarrie Road if it were widened to two lane standard.

Voting - Unanimous

[ID] Amendment to Development Control Plan 39 - Energy Smart Homes (This report is the subject of a further report at Item EC-1 of this Agenda)

874 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that this item be dealt with in conjunction with Agenda Item EC-1.

Voting - Unanimous

[ID] Development Application DA03/0723 for an Emergency Accommodation for Single Men at Lot 100 DP 865105, Pacific Highway, Murwillumbah

875 RESOLUTION:

Councillor H James
Councillor M R Boyd

RESOLVED that Development Application DA03/0723 for an emergency accommodation for single men at Lot 100 DP 865105 Pacific Highway, Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 1 to 8 dated May 2003, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. 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.
5. Use of the barracks for the emergency accommodation for men is limited to Twelve (12) months from the date of the issue of the Occupation Certificate.

PRIOR TO COMMENCEMENT OF WORK

6. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

7. 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.

DURING CONSTRUCTION

8. 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).
9. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
10.
 - (a) All deteriorated and defective materials are to be replaced by sound materials.
 - (b) The building is to be painted internally and externally.
 - (c) The building is to be set up and completed in a tradesman like manner and to Council's satisfaction.
 - (d) The building is not to be occupied until all work is completed and Council's approval to occupy has been granted.
11. 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. frame
 - c. final inspection prior to occupation of the building
12. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
13.
 - 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.
14. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
15. 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. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- ii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
16. Mains powered smoke alarms are to be installed in accordance with the Building Code of Australia.
17. The provision of two off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
18. 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.
19. Handling and disposal of asbestos products shall be in accordance with NSW Workcover requirements.
20. The builder is to liaise with NSW EPA prior to handling any potential lead based products to ensure that adequate management of potential risks.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

21. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
22. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
23. Prior to Occupation a sign to be erected on the outside of the barracks and clearly visible to the public from Station Street stating who is operating the barracks with a 24 hour phone number to enable reporting of antisocial behavior of residents.
24. Prior to the issue of the Occupation Certificate, all adjoining residents are to be provided with the contact details of the operators of the barracks including 24 hour phone numbers.
25. Prior to the issue of the Occupation Certificate an Emergency Management Plan for Flood and Fire is to be prepared and approved by the State Emergency Service. The plans shall be appropriately displayed in each bedroom and a designated common area.

USE

26. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
27. A manager or supervisor is to reside at the barracks a minimum of four (4) night in any week. Such nights to include pension and other forms of social security payment days and weekends.

28. The operation of the premises shall comply with the relevant provisions of the Food Act 1989. In this regard the following shall be carried out to the satisfaction of the Director Environment and Community Services:
 - i. An easily accessible hand wash basin shall be provided within the food preparation area;
 - ii. The food preparation area to be kept in a clean and orderly manner at all times; and
 - iii. A dishwasher or similar shall be provided to ensure adequate sanitising of eating, drinking and cooking utensils.
29. The operators of the barracks shall notify NSW Health prior to the occupation of the building under the provisions of the NSW Food Act 1989.

AMENDMENT

Councillor G Davidson
Councillor G J Lawrie

PROPOSED that Development Application DA03/0723 for an emergency accommodation for single men at Lot 100 DP 865105 Pacific Highway, Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 1 to 8 dated May 2003, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. 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.
5. Use of the barracks for the emergency accommodation for men is limited to Twelve (12) months from the date of the issue of the Occupation Certificate.

PRIOR TO COMMENCEMENT OF WORK

6. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
7. 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.

DURING CONSTRUCTION

8. 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).
9. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
10.
 - (a) All deteriorated and defective materials are to be replaced by sound materials.
 - (b) The building is to be painted internally and externally.
 - (c) The building is to be set up and completed in a tradesman like manner and to Council's satisfaction.
 - (d) The building is not to be occupied until all work is completed and Council's approval to occupy has been granted.
11. 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. frame
 - c. final inspection prior to occupation of the building
12. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
13.
 - 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.
14. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- * 50⁰C in all other classes of buildings.
A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
- 15. 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. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - ii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- 16. Mains powered smoke alarms are to be installed in accordance with the Building Code of Australia.
- 17. The provision of two off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
- 18. 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.
- 19. Handling and disposal of asbestos products shall be in accordance with NSW Workcover requirements.
- 20. The builder is to liaise with NSW EPA prior to handling any potential lead based products to ensure that adequate management of potential risks.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 21. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
- 22. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
- 23. Prior to Occupation a sign to be erected on the outside of the barracks and clearly visible to the public from Station Street stating who is operating the barracks with a 24 hour phone number to enable reporting of antisocial behavior of residents.
- 24. Prior to the issue of the Occupation Certificate, all adjoining residents are to be provided with the contact details of the operators of the barracks including 24 hour phone numbers.
- 25. Prior to the issue of the Occupation Certificate an Emergency Management Plan for Flood and Fire is to be prepared and approved by the State

Emergency Service. The plans shall be appropriately displayed in each bedroom and a designated common area.

USE

26. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
27. A manager or supervisor is to reside at the barracks seven (7) nights a week. Such nights to include pension and other forms of social security payment days and weekends.
28. The operation of the premises shall comply with the relevant provisions of the Food Act 1989. In this regard the following shall be carried out to the satisfaction of the Director Environment and Community Services:
 - i. An easily accessible hand wash basin shall be provided within the food preparation area;
 - ii. The food preparation area to be kept in a clean and orderly manner at all times; and
 - iii. A dishwasher or similar shall be provided to ensure adequate sanitising of eating, drinking and cooking utensils.
29. The operators of the barracks shall notify NSW Health prior to the occupation of the building under the provisions of the NSW Food Act 1989.

The Amendment was **Lost**

Voting:

For

Cr Davidson
Cr Lawrie
Cr Polglase

Against

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

The Motion was **Carried**

Voting:

For

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

Against

Cr Marshall

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

DS-1 [DS] Development Application DA03/0273 for Multi-Dwelling Housing Comprising 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West

876 RESOLUTION:

Councillor M R Boyd
Councillor W M Marshall

RESOLVED that this item be deferred to seek further legal advice and report back to the Council meeting of 5 November 2003.

ADJOURNMENT OF MEETING

The meeting adjourned at 3.12 pm to consider a letter on this matter from the Department of Infrastructure, Planning & Natural Resources.

RESUMPTION OF MEETING

The Meeting reconvened at 3.17pm.

ATTENDANCE AT MEETING

Mr Russell Logan attended the meeting at 3.22 pm.

Councillor Luff attended the meeting at 3.25 pm.

Voting - Unanimous

DS-2 [DS] Demolition and Erection of Multi-Dwelling Housing Comprising 4 x 3 Bedroom Units at Lot C DP 9527 No. 8 Recreation Street, Tweed Heads

Councillor M R Boyd
Councillor W M Marshall

PROPOSED that Development Application DA03/0757 for the demolition & erection of multi-dwelling housing comprising of 4 x 3 bedroom units at Lot C DP 9527, No. 8 Recreation Street Tweed Heads be refused for the following reasons: -

1. The development application is contrary to the 2(b) Medium Density zone objectives contained within Clause 11 of Tweed Local Environmental Plan 2000, in relation to adequate supply and diversity of housing opportunities and discouragement of under utilisation of land.

2. The development application is contrary to Clause 8 of Tweed local Environmental Plan 2000, in relation to unexpected cumulative impacts.
3. The development application is contrary to The North Coast Regional Environmental Plan 1988, specifically the following matter for consideration:
 - (a) *it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,*
4. The development application is contrary to State Environmental Planning Policy No. 71 – Coastal Protection, specifically the following matter for consideration:
 - d) *the suitability of development given its type, location, and design and its relationship with the surrounding area.*
5. The development application is contrary to Development Control Plan No. 6 – Multi Dwelling Housing, specifically including (but not limited to) Part 3 – Design Elements.
6. The development application is contrary to Development Control Plan No. 18 – Tweed Heads, specifically including (but not limited to) the nominated objectives and visions for the Tweed Heads area generally and the specific objectives for the Western Precinct;
7. The development application is not considered to be in the public interest.

AMENDMENT 1

Councillor H James
Councillor B M Luff

PROPOSED that the applicant be requested to modify the proposal to address the issues of landscaped area, private open space, the excess of hard stand and the height of the front fence.

Amendment 1 was **Carried**

Voting:

For

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

Against

Cr Brinsmead
Cr Marshall
Cr Boyd

877 AMENDMENT 2

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that Council supports this application in principle and that the Director be requested to bring back conditions for Council's consideration.

Amendment 2 was **Carried**

Voting:

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

Amendment 2 on becoming the Motion was **Carried**

Voting:

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

DS-3 [DS] Unauthorised Advertising Sign at Lot 1 DP 779842 No. 154 Kennedy Drive, Tweed Heads West

878 RESOLUTION:

Councillor P C P Youngblutt
Councillor W M Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

LATE ITEM

879 RESOLUTION:

Councillor W M Marshall
Councillor G J Lawrie

RESOLVED that Item DS-A4 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

DS-A4 [DS] Development Application DA03/0192 for a Storage Shed for Storage of Machinery and Equipment for Backhoe Hire Business at Lot 6 SP 38152, No. 6/36-38 Ourimbah Road, Tweed Heads

Councillor M R Boyd
Councillor B M Luff

PROPOSED that Development Application DA03/0192 for a storage shed for storage of machinery and equipment for backhoe hire business at Lot 6 SP 38152, No. 6/36-38 Ourimbah Road, Tweed Heads be refused for the following reasons: -

1. Pursuant to Section 79C(1)(e) it is not in the public interest for Council to approve this application as it is inconsistent with the Development Statement for Strata Plan 38152 and Development Consent D90/0016.
2. Pursuant to Section 79C(1)(a)(iii) the applicant has failed to demonstrate how the development satisfies DCP 2 Site Access and Car Parking Code.
3. The proposal is inconsistent with the provisions of Section 28J of the Strata Schemes (Freehold Development) Act 1973

880 AMENDMENT 1

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that Council defers making a decision on the application until the meeting on 5 November 2003 following receipt of a resolution from the Body Corporate confirming their support for the proposal and endorsing a new development statement for Lot 6 SP 38152.

881 RESOLUTION:

Councillor W M Marshall
Councillor P C P Youngblutt

RESOLVED that an extension of 2 minutes be granted to Councillor G J Lawrie.

Voting - Unanimous

Amendment 1 was **Carried** and became the Motion.

Voting:

For

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

Against

Cr Boyd
Cr James
Cr Luff

AMENDMENT 2

Councillor B M Luff
Councillor H James

PROPOSED that Council defers a decision on the application, for four weeks, to allow the applicant to seek the consent of the Body Corporate and to demonstrate to Council how it may satisfy DCP No 2 - Site Access and Car Parking Code; and to submit a required application for Section 96 variation in the event the first two goals are achieved.

Amendment 2 was **Lost**

Voting:

For

Cr Boyd
Cr James
Cr Luff

Against

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

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

Voting:

For

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

Against

Cr Boyd
Cr James
Cr Luff

REPORTS FROM ACTING DIRECTOR CORPORATE SERVICES

CS-1 [CS] Walker's Guide to the Tweed Proposal

882 RESOLUTION:

Councillor W M Marshall
Councillor P C P Youngblutt

RESOLVED that Council:

1. Considers an allocation of funds for the production of a publication titled "A Walker's Guide to the Tweed Shire" in the 2004/2005 Budget.
2. Writes to the General Manager of TACTIC, Terry Watson, advising of Council's resolution.

Voting - Unanimous

CS-2 [CS] Placement of Statue of "Churaki Comi The First Lifesaver"

883 RESOLUTION:

Councillor M R Boyd
Councillor W M Marshall

RESOLVED that Council endorses forwarding the letter to The Warragum Picture Co P/L contained in the report.

Voting - Unanimous

CS-3 [CS] Quarterly Budget Review 30 September 2003**884 RESOLUTION:**

Councillor B M Luff
Councillor G Davidson

RESOLVED that:-

1. The Quarterly Budget Review Statement as at 30 September 2003 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year.

GENERAL FUND		NEGATIVE (Contribute to Deficit \$	POSITIVE (Contribute to Surplus) \$
1.	Financial Assistance Grants		76,837
2.	HR Administration	7,500	
	IR Officer (Part Year)	30,000	
	HR Training	20,000	
	Salary Savings		58,000
3.	Sec 603 Rate Certificate – additional income		10,000
	Finance Support Staff	10,000	
4.	Grants Commission (FAGs)		106,000
	Federal Local Roads – increase Budget allocation	106,000	
5.	Flood Mitigation Construction		60,000
6.	Demolition & removal Boyds Bay Jetty	19,000	
7.	Far North Coast Weeds 2003/2004 Contribution		3,413
8.	Murwillumbah Cemetery Upgrade	26,000	
	Reserve – RTA land sales		26,000
9.	Workers Compensation Premium	63,550	
10.	Public Toilet s – Operating costs	35,000	
11.	Aged Care additional staff support	18,000	
12.	ECS staff – Building Services support	28,000	
13.	Building Services Surplus C/F from 2002/2003		115,000
14.	NSW Fire Brigades – Annual Contribution		10,700
15.	Development Services Projects	280,450	
	Uki DCP	20,000	
	Development Services Surplus C/F from 2002/2003		206,000
16.	Speed on Tweed – Volunteers Hats	1,500	
17.	Alcohol Free Zone Signs	6,950	
	TOTAL	671,950	671,950
WATER FUND			
1	Bank/Aust Post Charges	41,000	
	Revenue Reserve		41,000
SEWERAGE FUND			
1	Bank /Aust Post Charges	41,000	
	Revenue Reserve		41,000

Voting - Unanimous

CS-4 [CS] 2002/2003 Statutory Financial Reports / Audit Report

885 RESOLUTION:

Councillor W M Marshall
Councillor G Davidson

RESOLVED that Council adopts the 2002/03 tabled Financial Reports prepared conforming with Section 413 (2) (c) of the Local Government Act, 1993 as follows: -

1. The financial statement is drawn up in accordance with:
 - a) - the Act and the Regulations;
- that Statements of Accounting concepts;
- the Local Government Code of Accounting Practice and Financial Reporting; and
- the Australian Accounting Standards.
 - b) Accounting policies be adopted.
 - c) The reports present fairly the Council's financial position and other records.

Voting - Unanimous

CS-5 [CS] Tweed and Coolangatta Inc (TACTIC) Monthly Performance Reports - April and June 2003

886 RESOLUTION:

Councillor W M Marshall
Councillor G Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

ES-1 [ES] Classification of Land as Operational - Black Rocks Estate

887 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that the land proposed to be transferred to Council as a sewer pump station, described as proposed Lot 230 in the subdivision of Lot 65 in DP 855462 be classified as Operational under section 31 of the Local Government Act, 1993.

Voting - Unanimous

ES-2 [ES] Renaming of Pacific Highway between Yelgun & Chinderah as 'Tweed Valley Way'

888 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that:-

1. Council adopts the name ***Tweed Valley Way*** for the length of the former Pacific Highway between Yelgun and Chinderah; and
2. The renaming of the road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

Voting - Unanimous

ES-3 [ES] Lease Renewal of Home & Community Care Building, Heffron Street, Tweed Heads South with Tweed Valley Respite Services Inc

889 RESOLUTION:

Councillor B M Luff
Councillor W M Marshall

RESOLVED that:-

1. Council enters into a lease agreement with Tweed Valley Respite Service Inc for a part lease of the Home and Community Care Building for a period of two (2) years with a one (1) year option;
2. Rental increases occur annually by CPI; and

3. All necessary documentation be executed under Common Seal of Council.

Voting - Unanimous

ES-4 [ES] The Parapet and Terranora Road Sewer Extension

890 RESOLUTION:

Councillor P C P Youngblutt
Councillor W M Marshall

RESOLVED that Council:-

1. Adopts the charge of \$1,666 per equivalent tenement (in addition to S64 contributions) for connection into the Glen Ayr Estate sewerage system extension.
2. Votes \$25,000 from Sewer Rates Revenue to fund the Glen Ayr System extension.
3. Advertises the proposed charge for 28 days for public comment.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

EC-1 [EC] Development Control Plan 39 - Amendment

Councillor H James
Councillor M R Boyd

PROPOSED that Development Control Plan No 39 retains the requirement to install an energy efficient hot water system in new homes or major alterations or additions

The Motion was **Lost**

Voting:

For

Cr Boyd
Cr James
Cr Luff
Cr Marshall

Against

Cr Polglase
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

891 RESOLUTION:

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that Council proceeds with the exhibited plan (DCP 39, Amendment 1) in accordance with Council's resolution of 2 April 2003 which removes the energy smart hot water component of DCP 39

Voting:

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

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Item-1 Minutes of the Tweed Dune Care Advisory Committee Meeting held 11 September 2003

892 RESOLUTION:

Councillor W M Marshall
Councillor G Davidson

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held 11 September 2003 be adopted with the exception of the following item.

Voting - Unanimous

4 Tree Poisonings

893 RESOLUTION:

Councillor W M Marshall
Councillor P C P Youngblutt

RESOLVED that the recommendation by the Tweed Dune Care Committee to install the signs offered by the Department of Infrastructure, Planning & Natural Resources in the dunes at Casuarina be referred to the Casuarina Dune Care Management Committee at its Meeting to be held at 1.30pm on Monday, 20 October 2003.

AMENDMENT

Councillor H James
Councillor B M Luff

PROPOSED that Council install the signs offered by the Department of Infrastructure, Planning & Natural Resources in the dunes at Casuarina at the most appropriate sites.

The Amendment was **Lost**

Voting:

For

Cr Boyd
Cr James
Cr Luff

Against

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

The Motion was **Carried**

Voting:

For

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

Against

Cr Boyd
Cr James
Cr Luff

QUESTION TIME

Banora Point Caravan Park

Councillor W M Marshall

Asked what is the current status on the proceedings against the owners/operators of Banora Point Caravan Park

The General Manager advised that he will bring forward advice for the Councillor's information on this matter.

ORDERS OF THE DAY

Nil.

ADDRESS BY COUNCIL AUDITORS

Mr Kevin Franey and Mr Geoff Dwyer, partners of the auditing firm of Thomas Noble Russell, presented to Council the financial statements and operations of the Council for the year ending 30 June 2003. General discussion was held by Councillors and Senior officers on their presentation.

COMMITTEE OF THE WHOLE

894 RESOLUTION:

Councillor W M Marshall
Councillor B M 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:-

CONFIDENTIAL MATTERS

EXCLUSION OF PRESS AND PUBLIC

895 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

Voting - Unanimous

CONFIRMATION OF MINUTES

Minutes of Confidential Council Meeting held 1 October 2003

C 896 RESOLUTION:

That the Confidential Council Minutes of the Meeting held 1 October 2003 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

Minutes of Confidential Extraordinary Council Meeting held 8 October 2003

C 897 RESOLUTION:

That the Confidential Minutes of the Extraordinary Meeting held 8 October 2003 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Councillor L F Beck

Councillor L F Beck has informed the General Manager that her absence is caused by her being out of the Shire.

Councillor B J Carroll

Councillor B J Carroll has informed the General Manager that her absence is caused by her being out of the Shire.

C 898 RESOLUTION:

That the apology of Councillor L F Beck and Councillor B J Carroll be accepted.

Voting - Unanimous

ITEMS DEFERRED

[ID] Proposals to Operate the Tweed Shire Council Animal Impounding Facility (This report is the subject of a further report at Item CS-C1 of this Agenda)

REASON FOR CONFIDENTIALITY:

*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*

C 899 RESOLUTION:

That this item be dealt with at CS-C1.

Voting - Unanimous

REPORTS FROM ACTING DIRECTOR CORPORATE SERVICES

CS-C1 [CS] Proposal to Operate the Tweed Shire Council Animal Shelter

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 900 RESOLUTION:

That Tenders be called for the management of the Tweed Shire Council Animal Shelter at Stotts Creek.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

ES-C1 [ES] Tender EC2003-145 - Supply & Delivery of One (1) Prime Mover

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 901 RESOLUTION:

That Council:-

1. Accepts the tender from Mack Trucks Australia Pty Ltd for the supply of one (1) Mack Quantum prime mover \$163,170 (exclusive of GST, being \$16,317.00)
2. Sells the existing Volvo F12 prime mover to S & H House Removals Pty Ltd for the price of \$60,100.00 (exclusive of GST, being \$6,010.00)
3. Advises the unsuccessful tenderers.

Voting - Unanimous

ES-C2 [ES] Proposed Sale of Lot 1 DP 578307 - Pollards Quarry, Dulguigan Road, Dulguigan

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 902 RESOLUTION:

That Council

1. Approves the sale of Pollards Quarry located at Lot 1 in DP 578307, Dulguigan Road, Dulguigan to Hammercall Pty Ltd operating as Reedy Creek Quarries for the sum of \$300,000.00 as the supply of a going concern;
2. Approves being bound by the terms of a Deed of Agreement with Hammercall Pty Ltd for the supply of quarry materials to Council for 5 years following the transfer of Lot 1 in DP 578307; and
3. Executes all necessary documentation under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

EC-C1 [EC] HQ2003-158 Stotts Creek Inert Landfill Facility: Stage One Development - Construction of Leachate Pond, Roadwork & Associated Drainage

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 903 RESOLUTION:

That :-

1. Council awards the contract HQ2003-158 for the Stage One Development - construction of Leachate Pond, Roadwork & Associated Drainage to Seery Excavations for the adjusted contract value of \$210,502.73 (excluding GST). Funding for this project is to be sourced from Council's Waste Management budget.
2. All documentation be completed under the Common Seal of Council.
3. The Director of Environment & Community Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

LATE ITEM

C 904 RESOLUTION:

That Item DS-CA1 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

DS-CA1 [DS] Tweed Futures - Engagement of Independent Facilitator

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

- (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

C 905 RESOLUTION:

That:-

1. The C & B Group be advised that Council accepts the withdrawal of its Tender for the Tweed Futures Independent Facilitator;
2. Council accepts the Tender submitted by the University of Technology Sydney, Local Government Centre for the Tweed Futures Independent Facilitator.

Voting - Unanimous

906 RESOLUTION:

Councillor B M Luff
Councillor H James

RESOLVED that the Committee resumes in Open Council.

Voting - Unanimous

907 RESOLUTION:

Councillor H James
Councillor B M 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 5.30pm.



Minutes of Meeting Confirmed by Council

at Meeting held xxx

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 31 of these Minutes**

Chairman