

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 Mr Don Buckley (Acting General Manager), Mr Mike Rayner (Director Engineering Services), Mr Douglas Jardine (Acting Director Development Services), Mr Rick Paterson (Acting Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

The meeting opened with a Prayer by Council's Chaplain, the Bishop John Grindrod:

"Sometimes, Lord, we are shown ourselves as others see us; help us to accept this humbly and to learn from it.

We thank you for this wonderful part of Australia in which we live.

We can lift up our eyes to the hills and be reminded that it is from you that we gain our strength.

If we fall short of what is best for the people of this Shire, forgive, we pray, and grant us grace, wisdom and courage to aim afresh for what is best for the good of all.

And now, Lord, we commend these hours of reflection, debate, decision, and friendship, to your service and the blessing of your people. Amen."

STATEMENT BY COUNCILLOR

Cr Carroll sought leave to make a statement about a Council related issue, which has had an adverse effect on her health. This was in reference to the content of the Four Corners program 'Ocean Views' which went to air on 7 July 2003.

CONFIRMATION OF MINUTES

601

Cr Marshall

Cr Davidson

RESOLVED that the Minutes of the Ordinary Meeting held 2 July 2003 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil

Minutes - Meeting of Tweed Shire Council

DELEGATES REPORT

Mr Russell Logan (Aboriginal Mentor Program) addressed Council on the adoption of a "Statement of Reconciliation and Commitment."

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

602

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Queensland Netball

This item was received and noted.

Sport Rec General- Councillors' Invitations

2. Tweed Theatre Company

This item was received and noted.

Councillors' Invitations

3. Apex Club of Murwillumbah

This item was received and noted.

Councillors' Invitations

4. Tweed Taskforce

This item was received and noted.

Tweed Heads Ministerial Taskforce

5. Tweed River War Widows' Association

This item was received and noted.

Councillors' Invitations

6. Tweed Chamber of Commerce

This item was received and noted.

Councillors' Invitations

Minutes - Meeting of Tweed Shire Council

7. NOROC

NOROC

This item was received and noted.

8. Tweed Coast Outrigger Club

Councillors' Invitations

This item was received and noted.

9. Twin Towns Friends Association

Councillors' Invitations

This item was received and noted.

10. NRMA Insurance

Councillors' Invitations

This item was received and noted.

11. Tweed Coast Media

Tourism General

This item was received and noted.

12. Red Cross Tweed Heads Branch

Councillors' Invitations

This item was received and noted.

13. Kingscliff Soccer Club

Councillors' Invitations

This item was received and noted.

14. Citizenship Ceremony

Citizenship Ceremony

This item was received and noted.

15. Tweed Media & Marketing Club

Councillors' Invitations

This item was received and noted.

16. Sports Advisory Committee Meeting

Sport Advisory Committee

This item was received and noted.

17. Blind & Vision Impaired Support Group

Councillors' Invitations

This item was received and noted.

Minutes - Meeting of Tweed Shire Council

Adoption of Mayoral Minute

603

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

1. Knox Park - Duck Pond

Notice of Motion - Cr Beck; Parks – Knox Park

Cr Beck

Cr Brinsmead

PROPOSED that a report be brought forward on the advisability and cost of filling the Murwillumbah “Duck Pond”, as well as finding an alternative use of the “Duck Pond”.

AMENDMENT

604

Cr Boyd

Cr James

RESOLVED that Council proceeds with the work on the “Duck Pond” as proposed in Council’s 2003/2004 Budget.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Lawrie
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 Marshall

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Minutes - Meeting of Tweed Shire Council

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Draft Development Control Plan No 44 (Amendment No 2) - Dual Occupancy Controls - Tweed Shire**

GT1/DCP/44 Pt1; DCP

605

Cr Luff

Cr Lawrie

RESOLVED that Council: -

1. Places on public exhibition draft Development Control Plan No 44 (Amendment No 2) Dual Occupancy Controls – Tweed Shire subject to the following: -
 - a. Amends Section 2.1 sub-clause (iii) (a) of DCP No44 by deleting the words, marked ~~striketrough~~, as follows:
 - An area of not less than 900m² or
 - An area of not less than 500m² (~~other than a corner block~~) if the land is within 300 metres distance of a business centre listed under Schedule 8 of Tweed Local Environmental Plan 2000.
 - ~~If it is a corner allotment, it must have a minimum area of 1000m².~~
 - b. Amends Section 2.2 sub-clause (b) of DCP No 44 as follows:
 - (b) If it is not within a subdivision approved by Council that has identified land for that purpose, the development is proposed in a form where -
 - Within 2(a), 2(c), 2(d) and 2(e) the land has an area of not less than 900m² or an area of not less than 500m² if the land is within 300 metres distance of a business centre listed under Schedule 8 of Tweed Local Environmental Plan 2000;
 - Is not a battleaxe allotment; and
 - Is not irregular in shape or have large circular arc frontages to public roads.
2. Prepares and exhibits a Development Control Plan for Friday Island, Bogangar which maintains the approved residential pattern of the area.

PROCEDURAL MOTION

606

Cr Davidson

RESOLVED that the motion be put.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr James
Cr Marshall

2. Draft Tweed Local Environmental Plan 2000, Amendment No 47 - Master Planning

GT1/LEP/2000/47 Pt1; LEP - Master Planning

607

**Cr Brinsmead
Cr Youngblutt**

RESOLVED that Council arranges a Workshop as soon as possible to explain the reasons for the Local Environmental Plan 2000 Amendment No 47 – Master Planning and to discuss its possible outcomes.

608

**Cr Youngblutt
Cr Lawrie**

RESOLVED that an extension of 1 minute be granted to Cr Brinsmead.

Voting For

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

Voting Against

Cr Beck

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

3. Proposed Rezoning - Lot 156 DP 628026 Creek Street, Hastings Point PF1431/190 Pt5; GT1/LEP/2000/44 Pt1; LN: 18879; LEP – Wetland – Lot 156 DP628026 Creek Street, Hastings Point

609

Cr Beck

Cr James

RESOLVED that:-

1. Council indicates to the proponents there is merit in their proposal to prepare a draft Local Environmental Plan to rezone that part of the property zoned 2(e) Residential Tourist to 2(c) Urban Expansion and prepare a draft Development Control Plan for tourist development.
2. Council considers including the project in the next review of the Strategic Planning Work Program.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

4. Exhibition of the Tweed Shire Social Plan Update 2003/04

Social Plan

610

Cr Carroll

Cr Davidson

RESOLVED that Council:

1. Adopts the Social Plan Update 2003/04.
2. Notes the current low level of expenditure on community support services.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

5. Amendment to Development Control Plan No 40 - Exempt and Complying Development

GT1/LEP/2000/26 Pt1; LEP – Housekeeping (Stage 2)

611

Cr Lawrie

Cr Youngblutt

RESOLVED that Council:

1. Amends Development Control Plan No 40 - Exempt and Complying Development in accordance with the changes as outlined in this report; and
2. Exhibits the amended draft Plan in accordance with Clause 72 of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

6. Draft Amendment of Section 94 Contribution Plan No 5 - Local Open Space

GT1/S94/5 Pt1; Sect 94 Plan

612

Cr Luff

Cr Lawrie

RESOLVED that Council endorses the draft Amendment of Section 94 Contribution Plan No 5 - Local Open Space for public exhibition for 28 days in accordance with Clause 31 of the Environmental Planning and Assessment Regulations, 2000.

Voting – Unanimous

7. Draft Amendment of Section 94 Contribution Plan No 1 - Banora Point West/Tweed Heads South Open Space

GT1/S94/1 Pt1; Section 94 Plan

613

Cr Luff

Cr Marshall

RESOLVED that Council endorses draft Amendment of Section 94 Contribution Plan No 1 - Banora Point West/Tweed Heads South Open Space for public exhibition for 28 days in accordance with Clause 31 of the Environmental Planning and Assessment Regulations.

TEMPORARY ABSENCE FROM MEETING

Cr Marshall left the meeting.

Voting - Unanimous

RETURN TO MEETING

Cr Marshall returned to the meeting.

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

Minutes - Meeting of Tweed Shire Council

- 8. Tweed Local Environmental Plan 2000, Amendment No 3 - Seaside City**
GT1/LEP/2000/3 Pt9; LEP-Seaside City

614

Cr Davidson

Cr Youngblutt

RESOLVED that this item be dealt with in conjunction with Item 13b.

Voting - Unanimous

- 9. Amendment to Section 94 Contribution Plan No 25 - Kings Beach North Open Space and Associated Car Parking**
GT1/S94/25 Pt1; Kings Beach Development; Section 94 Plan

615

Cr Luff

Cr Lawrie

RESOLVED that Council:

1. Approves the amended Section 94 Plan No 25 as advertised; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000 specifying that the amended Contribution Plans come into effect on the date of the public notice.

Voting - Unanimous

- 10. Development Application DA03/0265 for an Addition to 4 Units at Lot 1 DP 810006 No. 6 Moss Street, Kingscliff**
DA03/0265 Pt1; LN: 30027

616

Cr Beck

Cr Marshall

RESOLVED that Development Application DA03/0265 for an addition to 4 units at Lot 1 DP 810006 No. 6 Moss Street, Kingscliff 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 P231WD01 and P231WD02 prepared by Glen Petersen Architect Pty Ltd and dated 21/8/02, except where varied by these conditions.
2. 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

Minutes - Meeting of Tweed Shire Council

- 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.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all wind load designs, prior to the issue of a construction certificate.

PRIOR TO COMMENCEMENT OF WORK

5. 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

6. 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).
7. 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.
8. 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.
9. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
10. 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.
11. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

Minutes - Meeting of Tweed Shire Council

12. 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 or public holidays.
13. 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.
14. 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.
15. 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.
16. 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

17. 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.
18. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

Minutes - Meeting of Tweed Shire Council

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

AMENDMENT

Cr Boyd

Cr James

PROPOSED that this item be deferred and a report be brought forward detailing the basis of the original approval of this building.

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

- 11. Draft Tweed Local Environmental Plan 2000, Amendment No 7 - Bogangar – Preparation of Supplementary Report to Environmental Study Consultant Brief GT1/LEP/2000/7 Pt3; LEP – Bogangar Release Area**

617

Cr Boyd

Cr Youngblutt

RESOLVED that Council awards the tender for the preparation of a Supplementary Report to the Environmental Study in respect of Tweed Local Environmental Plan 2000 Amendment No. 7 – Bogangar to Aspect North subject to the following:

- a) Receipt of full funding from the proponent.

Minutes - Meeting of Tweed Shire Council

- b) Endorsement of the General Manager of the Contract of Engagement of Aspect North.

Voting - Unanimous

12. **Development Application D97/0286.01 for an Amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah - Appeal in the Land and Environment Court Matter No. 10067 of 2003 (Tweed Shire Council ats Jim Glazebrook and Associates Pty Ltd)**
Appeals - Land & Environment Court; PF3560/110 Pt2, LN: 14978

618

Cr Luff

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

13. **Amendment to Development Control Plan 39 - Energy Smart Homes**
DCP; Energy Efficient Housing; GT1/DCP/39 Pt1

619

Cr Boyd

Cr Marshall

RESOLVED that Council defers consideration and adoption of Development Control Plan No 39, Amendment No 1, for a period of three (3) months.

AMENDMENT

Cr Beck

Cr Youngblutt

PROPOSED that Council proceeds with the exhibited plan in accordance with Council's resolution of 2 April 2003.

The Amendment was **Lost**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

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

LATE ITEM

620

Cr Boyd

Cr James

RESOLVED that Item 13a being an Addendum item be deferred to the next meeting of Council.

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

13a. Development Application DA03/0262 for the Demolition of the Existing Structure & Erect 3 Storey Building Consisting of 6 x 3 Bedroom Units & 6 x 2 Bedroom Units & Swimming Pool at Lot 8 Section 10 DP 758571 No. 26 Kingscliff Street, Kingscliff

DA03/0262 Pt1; LN: 11382

This item was dealt with at Minute No. 620.

LATE ITEM

621

Cr Boyd

Cr Davidson

RESOLVED that Item 13b being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

**13b. Tweed Local Environmental Plan 2000, Amendment No. 3 - Seaside City
GT1/LEP/2000/3 Pt9; LEP-Seaside City**

622

Cr Beck

Cr Youngblutt

RESOLVED that : -

Minutes - Meeting of Tweed Shire Council

1. Council accepts funding from Richtech Pty Ltd (as a major landowner in the Seaside City subdivision) to enable Council to complete Tweed Local Environmental Plan 2000 Amendment No. 7 (Seaside City) in accordance with the Environmental Planning and Assessment Act, 1979.
2. Council delegates to the General Manager: -
 - the preparation of a consultants brief for the project
 - the engagement and supervision of planning consultants to complete the project.

AMENDMENT

Cr Lawrie

Cr Brinsmead

PROPOSED that:

1. Council accepts funding from Richtech Pty Ltd (as a major landowner in the Seaside City subdivision) to enable Council to complete Tweed Local Environmental Plan 2000 Amendment No. 7 (Seaside City) in accordance with the Environmental Planning and Assessment Act, 1979.
2. The staff brings forward for Council's consideration the consultants brief and thereafter the suggested consultant list.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie

Voting Against

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

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Lawrie

REPORTS FROM DIRECTOR CORPORATE SERVICES

14. Request for Assistance with Legal Costs - Willoughby City Council

Legal Costs; Local Government Shires Association - General

623

Cr Marshall

Cr Youngblutt

RESOLVED that Council declines to contribute an amount of \$2054.00 to the Local Government Shires Association of NSW to assist Willoughby City Council with legal costs.

Voting - Unanimous

15. Request for Assistance with Legal Costs - Cowra Shire Council

Legal Costs; Local Government Shires Association - General

624

Cr James

Cr Marshall

RESOLVED that Council declines to contribute for the following reasons:

1. The matter does not come within the guidelines since it was the subject of a Section 98 appeal.
2. The Court, having closely examined the nexus between the development and the affect on the services in question, not only refused Cowra Shire Council's claim for \$400,000 but reduced the \$100,000 contribution set by the Minister to only \$8,320. In the circumstances, the Minister appears to have made a very generous interpretation of the plans in setting the contributions at \$100,000. Accordingly, there appears to be no justification for the claim that the matter "set a precedent for the Minister in disregarding a plan which the consent authority would otherwise have to take into account".

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

16. Monthly Investment Report for the Period Ending 30 June 2003

Monthly Investment Report

625

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

17. Open Council Meetings - Structural Reform

DW922339; Local Government Department - Circulars; Amalgamations; Voluntary Structural Reform

626

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

18. Local Government Financial "Health Check"

Financial Policies; Financial Reporting; Budget

627

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

19. Application to Close and Purchase Public Road - Old Ferry Road, Banora Point

GR3/12/7 Pt2; Road-Old Ferry Road; Road-Closure-Terranora; DW: 896470

628

Cr Brinsmead

Cr Marshall

RESOLVED that Council:-

1. Approves the closure of part of the road reserve adjacent to Lot 26 in DP 879517 being Old Ferry Road, Banora Point subject to the amended construction certificate being issued by Council;
2. The road closure be consolidated with Lot 26 in DP 879517 following transfer to Council;
3. Easements are created where necessary over any existing public authority services;
4. All necessary documentation be endorsed and executed under Common Seal of Council.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

20. Proposal for Council Rangers to be Granted Similar Powers to RSPCA Inspectors Rangers

629

Cr Marshall

Cr Boyd

RESOLVED that Council rejects the proposal due to:

1. The limited resources available to implement the Act; and
2. Council's predominant role in this area has been in animal management, not traditionally in animal welfare

Voting - Unanimous

21. Family Day Care - Request for Assistance Sponsorship; Donation; Child Minding-Day Care/Pre-schools; DW: 918003

630

Cr Beck

Cr Boyd

RESOLVED that the Mayor and other appropriate personnel meet with the Manager of Family Day Care to discuss the proposal at length and endeavour to secure a commitment of further support from Council.

AMENDMENT

Cr Davidson

Cr Marshall

PROPOSED that Council advises that it regrettably is unable to approve the Family Day Care's request for assistance in their proposed relocation to a new building to be constructed on Council land for the reasons outlined in this report.

The Amendment was **Lost**

Voting For

Cr Davidson
Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Davidson
Cr Youngblutt

22. Clean Beach Challenge

Licences - Beach Vehicle

631

Cr Boyd

Cr Brinsmead

RESOLVED that Council approves a Special Beach Permit for Casuarina Town Hall Pty Ltd to access the section of beach adjacent to the Casuarina community to facilitate the Clean Beach Challenge, subject to:

- a) The permit being valid for the specific purpose of the inspection and collection process associated with the Clean Beach Challenge – joy riding and picnicking and any other activities not being permitted.
- b) The vehicle not being driven above the high tide mark, except when travelling to and from the beach at the designated access points.
- c) The vehicle must be a conventional 4WD vehicle. Motor cycles and beach buggies are **PROHIBITED**
- d) Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
- e) Vehicles are to be driven only on the section of beach between Kingscliff and Cabarita Beach as specified by the attached plan.
- f) The vehicle nominated on the permit is the only vehicle to be driven on the beach.
- g) The permit is to be produced on demand to authorised Council Officers.
- h) The National Parks & Wildlife Service (NPWS) has management responsibilities for beaches within the Wollumbin Nature Reserve. The boundary of this reserve is at the mean low water mark. Permit holders are required to comply with any direction given by an authorised NPWS Officer whilst within these areas.
- i) Failure to comply with any of the conditions of the permit by the owner or driver of the vehicle will require immediate forfeiture of the permit and in such case, Council reserves the right to refuse any further application in respect of such vehicle or by the owner thereof.

Minutes - Meeting of Tweed Shire Council

- j) The permit fee to facilitate the Clean Beach Challenge being \$210.00 per annum as per Council's adopted Fees and Charges.
- k) The use of motor vehicles below the high tide mark is now controlled by Local Councils in New South Wales. This section of beach is defined as a Public Reserve and is therefore considered to be open to and used by the public.

That section of beach open to and used by motor vehicles is now considered by Law as being a Public Street, under the meaning of Section 2 Motor Traffic Act 1909. As such the person in charge of the vehicle will be required to obey all regulations under both the Local Government Act 1993 and the New South Wales Motor Traffic Act 1909.

- l) Any offences committed will result in permanent suspension of your beach vehicle permit, prosecution by the Council and prosecution by the New South Wales Police.

The above will apply especially to the following: -

- i) Driving an unregistered motor vehicle upon a public beach.
 - ii) Driving a motor vehicle whilst unlicensed or disqualified.
 - iii) Driving a motor vehicle whilst under the influence of intoxicating liquor.
 - iv) Exceeding the 30kph speed limit at any time.
- m) All vehicles must be registered with the appropriate Road Traffic Authority

Voting - Unanimous

23. Tweed Museum Development

Museums; Historical Society; Arts Advisory Council; Grants - General

632

Cr Marshall

Cr Luff

RESOLVED that Council accepts the NSW Ministry for the Arts grant and votes the expenditure.

Voting - Unanimous

24. Application to Install Unregistrable Moveable Dwelling

PF1070/510 Pt2; Caravan Parks - Royal Pacific; LN: 14620

633

Cr James

Cr Boyd

RESOLVED that Council not approves the application for placement of a rigid annexe attached to unregistrable moveable dwellings in site 15, Royal Pacific Tourist Retreat and Caravan Park, as the structures do not conform to Council Policy E2.29 which reflects Council's responsibility and liability for management of activities in flood prone caravan parks in accordance with the requirements of the Local Government (Caravan Parks, Camping

Minutes - Meeting of Tweed Shire Council

Grounds and Moveable Dwellings) Regulation 1995 and the Flood Plain Management Manual.

Voting - Unanimous

25. Proposed Site for Tyalgum Preschool

Pre School - Tyalgum; Land- Acquisition; LN: 31713; LN: 14859

634

Cr Marshall

Cr Beck

RESOLVED that Council expeditiously:

1. Proceeds to purchase Lot 110 DP 728119 Carraboi Terrace, Tyalgum
2. Proceeds to re subdivide Lot 22, DP 617126 Wollumbin Street, Tyalgum so as to retain the watercourse in Council ownership.
3. Completes all necessary documentation under Council seal.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

26. Use of Civic Centre Auditorium

Civic Centre Murwillumbah - Hire; Civic Centre - Tweed Heads - Hire

635

Cr Beck

Cr Marshall

RESOLVED that:

1. Council endorses a change to the informal guidelines for Civic Centre hire to allow the rehearsal concession to be extended to local bands.
2. Such concession to include rehearsal periods of up to five hours with appropriate scheduling to allow equitable use.
3. The centre only be available if there is no full paying hirer wanting to use the hall.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM COMMITTEES/WORKING GROUPS

1. **Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday, 22 May 2003**
Cultural Development – Advisory Cttee
1. **Community Based Heritage Study**
Cultural Development – Advisory Cttee

636

Cr Boyd

Cr Davidson

RESOLVED that the Cultural Advisory Committee puts forward a project plan advising Council on how the project will tie in with the current Community Based Heritage Study.

Voting – Unanimous

3. **Tweed Heads Town Centre Taskforce**
Cultural Development – Advisory Cttee

637

Cr Boyd

Cr Davidson

RESOLVED that this item be received and noted as it was the subject of a report to Council on Wednesday, 2 July 2003.

Voting - Unanimous

638

Cr Boyd

Cr Davidson

RESOLVED that the balance of the Minutes of the Community Cultural Development Advisory Committee Meeting be adopted.

Voting - Unanimous

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

DELEGATES REPORTS

Nil

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

Minutes - Meeting of Tweed Shire Council

ORDERS OF THE DAY

1. Workshop - Amalgamation

Amalgamations; Notice of Motion

639

Cr Boyd

Cr Carroll

RESOLVED that in view of the prospect of forced amalgamations, Council has a public Workshop to consider what options it may wish to take if the State Government does proceed with a rationalisation of local government boundaries.

Voting For

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

Voting Against

Cr Marshall

2. Vehicles Traversing Terranora Road, Terranora

Terranora Road; R5431 Pt4; Notice of Motion; Weight of Vehicles

This item was withdrawn.

3. Hire - Community Centre, South Tweed Heads

Notice of Motion; Donations; Rural Hall-South Twd Comm Ctr

640

Cr Boyd

Cr Carroll

RESOLVED that Council makes the Community Centre at South Tweed Heads available to the Twin Towns Friends Association for four (4) meetings each year free of charge.

Voting - Unanimous

WORKSHOPS PREVIEW

Nil

QUESTION TIME

Brothels

Brothels

Cr Luff

What dollar amount has been spent to date on Council defending matters in the Land and Environment Court in relation to applications for brothels?

Minutes - Meeting of Tweed Shire Council

The Acting Director Development Services advised that a report would be brought forward on the issue.

Amalgamation of Shires

Amalgamations

Cr Luff

Will Council officers provide information regarding the possibility of greater or lesser efficiencies, and regarding possible adverse consequences, of any amalgamation of Shires, as sought by the NSW Government in the letter from Minister Kelly.

The Acting General Manager advised that such information will be made available at the public workshop proposed to be held on this issue.

Lavender Creek

Drainage Union – Lavender Creek, Lavender Creek

Cr Boyd

Asked what is the current status of the work on Lavender Creek?

The Director Engineering Services advised that the bulk of the work has been completed, with some minor works to be finalised.

Tweed River Regional Art Gallery & Moran Art Prize

Art Gallery – Doug Morgan Art Prize

Cr Beck

How much is the cost of the present TV campaign advertising the Art Gallery and the Moran Art Prize and do we have the right to use the Moran name when we no longer have the Moran family going to be involved in bringing the Art Prize to Murwillumbah.

The Acting General Manager advised that he would take the question on notice.

Street Sweepers

Street Sweeping

Cr Davidson

Asked how many street sweepers do we have operational because in last rains a huge amount of rubbish was being washed into water canals.

The Director Engineering Services to report back to Cr Davidson.

COMMITTEE OF THE WHOLE

641

Cr Luff

Cr Carroll

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

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 ENGINEERING SERVICES IN COMMITTEE

1. Water Meter Reading Contract

Water Meter Readings

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

C127

That Council accepts the Tender of Adtec Services Pty Ltd to supply Meter Reading and additional services for Tweed Shire Council for the tendered price of \$94,919.00 (GST exclusive) for a two-year period initially with an option to extend to a maximum of 5 years subject to performance reviews.

Voting - Unanimous

2. Tender - Proposed Improvements at Machinery Drive/Minjungbal Drive Intersection - EC2003-3

Machinery Drive, South Tweed Heads; R3250 Pt3; Roads: Machinery Drive and Minjungbal Drive; Contracts Quotations & Roads/Drainage

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

C128

That:-

1. Council accepts the tender from Hopedale Services Pty Ltd be awarded for the lump sum contract price of \$1,284,415. Funding is to be sourced from Section 94 contributions (\$323,000), Drainage Capital Works (\$700,000) and deferral of the following projects to the 2004/2005 budget:
 - Piggabeen Road deviation (\$300,000) to the 2004/2005 budget.
2. All documentation be under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

642

Cr Luff

Cr Davidson

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 6.00pm.

☞

Minutes of Meeting Confirmed by Council

at Meeting held

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 26 of these Minutes

Chairman