

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 Geoff Edwards (Acting Director Environment & Community Services), Mr Reg Norvill (Acting Director Corporate Services), Mr Peter Brack (Acting Manager Administration Services) and Mrs Kerrie McConnell (Minutes Secretary).

Cr Brinsmead, Cr Carroll, Cr James, Cr Luff were not present at the commencement of the meeting.

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

"Help us, O Lord, to have Vision, for now and the future. Help us to heed the words of a wise man in the book of Proverbs – "Where there is no vision, the people perish". Grant us the right vision for this part of the world, so that we can contribute to our country, as well as this Tweed area. Let us remember that our country is now made up of 150 different nationalities. Give us the humility to listen to one another.

Here – Aboriginal people whose ancestry goes back thousands of years, Torres Strait Islanders, who came later, Solomon Islanders who were brought here for the cane fields, and other friends who came from India, and many Europeans. Help us to value one another and use our gifts in your service and the service of all people.

And we pray for the young and the teachers in our schools, that the young may grow in the joy of learning and the service of others, and their teachers be enriched in their lives by the great service they give to our community.

So, Lord, we give thanks to you for the many blessings that we receive from others, and we pray now for your guidance in this Council meeting: without you we cannot please you or faithfully service others: mercifully grant that your Holy Spirit may in all things direct and rule our hearts.
Amen."

ITEMS NOT INCLUDED IN AGENDA

2003/2004 Rates Incentive Prize

Rates - Incentive Scheme

The 2003/2004 Rates Incentive price was drawn by the Mayor, Cr Warren Polglase.

1st prize Toyota Echo from Hayes Toyota, valued at \$14,490.00
Winner: Ms Rita Salter, North Arm Road, Murwillumbah

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2nd prize 5 night holiday staying at the Radisson Treetops Resort, Port Douglas, supplied by Harvey World Travel, valued at \$2,000.00
Winners: Mr John & Mrs Louise Burns, Banora Point

2003 Murwillumbah & District Garden Club - Garden Competition

Garden Competition

Cr Beck presented the Mayor with the awards Council received from the Murwillumbah & District Garden Club - Garden Competition.

CONFIRMATION OF MINUTES

785

Cr Boyd

Cr Beck

RESOLVED that the Minutes of the Ordinary Meeting held 9 September 2003 be confirmed as an accurate record of the proceedings of that Meeting, with the following amendment:-

Minute No. 782 - the word resolved should read proposed and the minute number removed.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 3.05pm.

ABSENT

Nil

DELEGATES REPORT

Mr Russell Logan (Aboriginal Mentor Program) addressed Council regarding Item 9 of the Agenda. Mr Logan is seeking Council's support for his attendance at 16th Annual NSW Local Government Aboriginal Network Conference and also for Council to consider hosting the 2005 Annual NSW Local Government Aboriginal Network Conference.

ATTENDANCE AT MEETING

Cr James and Cr Luff attended the meeting at 3.07pm.

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

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SCHEDULE OF OUTSTANDING RESOLUTIONS

786

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Riversymposium

This item was received and noted.

Riversymposium

2. Garden Competition

This item was received and noted.

Garden Competition

3. Northern Rivers Area Health

This item was received and noted.

Hospitals General

4. Tweed Coast Outriggers

This item was received and noted.

Councillors' Invitations

5. Shire's Association

This item was received and noted.

Shires Association

6. Meals On Wheels

This item was received and noted.

Meals On Wheels

7. Tweed Chamber of Commerce

This item was received and noted.

Chamber of Commerce

8. Education Week

This item was received and noted.

Education - Matters

9. Tweed Futures

This item was received and noted.

Tweed Futures - A Strategic Plan for Tweed Shire

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10. TEDC

TEDC

This item was received and noted.

11. Tweed Coast Radio

Councillors' Invitations

This item was received and noted.

12. Twin Towns & District Garden Club

Councillors' Invitations

This item was received and noted.

13. Tweed Day Surgery

Councillors' Invitations

This item was received and noted.

14. Tweed Border Hockey Association

Sport & Recreation - General

This item was received and noted.

15. Australian Winter Swimming Championships

Sport & Recreation - General

This item was received and noted.

16. Tweed Media & Marketing Club

Councillors' Invitations

This item was received and noted.

17. Tweed Shire Garden Competition

Garden Competition

This item was received and noted.

18. Citizenship Ceremony

Citizenship Ceremony

This item was received and noted.

Adoption of Mayoral Minute

787

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.12pm.

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ITEMS DEFERRED

Nil

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Reclassification of Lot 3, DP 842350, 104 Rosewood Avenue, Bogangar from Community Land to Operational Land**

GT1/LEP/2000/51 Pt1; LEP/2000/51; LN 34265

788

Cr Davidson

Cr Boyd

RESOLVED that Council:

1. Advises the Director-General of the Department of Infrastructure, Planning and Natural Resources that, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, and Section 28 of the Local Government Act 1993, it intends to prepare a draft Local Environmental Plan Amendment to reclassify Lot 3, DP 842350, 104 Rosewood Avenue, Bogangar from Community Land to Operational Land;
2. Exhibits the draft Local Environmental Plan in accordance with the Department's "LEPs and Council Land – Guidelines for Council's using delegated powers to prepare LEPs including Land that is or was previously owned or controlled by Council".
3. Requests the Director-General of the Department of Infrastructure, Planning and Natural Resources to waive the requirement for a Local Environmental Study given the minor nature of this subject Local Environmental Plan amendment.

Voting - Unanimous

2. **Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads**

DA03/0667 Pt1; LN 19637

789

Cr Luff

Cr Marshall

RESOLVED that Council: -

1. Prepares a draft Tweed Local Environmental Plan 2000, to include Lot 6 DP 10297, Kennedy Drive, Tweed Heads into Schedule 3 to enable development for the purposes of a self-storage facility.
2. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act, 1979 informs PlanningNSW of Council's intention to prepare a draft Local Environmental Plan.
3. Advises the Director General of PlanningNSW that in Council's opinion a Local Environmental Study is not considered required in this instance.

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4. Advises the applicant that in initiating the draft Local Environmental Plan amendment, support is not, at this stage, given to the development application plans.

AMENDMENT

Cr Boyd

Cr Polglase

PROPOSED that this item be deferred to allow discussion with the applicant with regard to the possible acquisition of Lot 6 DP 10297, Kennedy Drive, Tweed Heads for open space.

Cr James

Cr Boyd

PROPOSED that an extension of 5 minutes be granted to Cr Luff.

The Motion 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 Amendment was **Lost**

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Lawrie

Voting Against

Cr Beck
Cr Davidson
Cr James
Cr Luff
Cr Marshall
Cr Youngblutt

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie

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3. **Development Application DA03/0922 for a 228 Berth Marina, Construction of Carpark, Installation of a 35000 Litre Capacity Fuel Tank & Underground Piping to Connect the Fuel Tank to Previously Approved Re-fuelling Jetty within Tweed River at Lot 121 DP 755701, No. 50 Chinderah Bay Drive, Chinderah**
DA03/0922 Pt1; LN 22470

Cr James

Cr Luff

PROPOSED that: -

1. The Minister for Infrastructure, Planning and Natural Resources and the Director-General of PlanningNSW be advised that on the basis of the information available to Council the marina proposal should not be supported.
2. Council delegates to the General Manager to forward a submission to the Minister for Infrastructure Planning and Natural Resources and the Director-General of PlanningNSW based on the section of this report headed "Draft Submission on Key Issues and additional information to be forwarded to the Minister for Infrastructure, Planning and Natural Resources and the Director-General of PlanningNSW", and that they be requested to give serious consideration to the matters raised in assessing the application.

AMENDMENT 1

790

Cr Polglase

Cr Davidson

RESOLVED that Council acknowledges the issues raised in this report and requests the Director-General of PlanningNSW convene a meeting involving:-

- The applicant and prime consultants;
- The Assessments Branch, PlanningNSW
- Council: Mayor, Deputy Mayor, any interested Councillors, Director of Development Services and Director of Engineering Services/nominee;
- Relevant State Government Agencies;
- One representative – President or nominee of each of:-
 - Kingscliff Ratepayers and Progress Association;
 - Chinderah District Residents Association;
 - NSW Cane Growers' Association, Tweed River Branch;
 - Tweed Heads Environment Group;
 - Tweed District Residents and Ratepayers Association; and
 - Banora Point Residents Association

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With a view to resolving a proposal that responds to those issues – particularly the scale of the proposed marina.

791

Cr Luff

Cr Boyd

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

Voting – Unanimous

792

Cr Youngblutt

Cr Carroll

RESOLVED that an extension of 2 minutes be granted to Cr Boyd.

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

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

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Luff
Cr Marshall

AMENDMENT 2

Cr Beck

Cr Marshall

PROPOSED that Council acknowledges the issues raised in this report and requests the Director-General of PlanningNSW convenes a meeting involving:-

- The applicant and prime consultants;

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- The Assessments Branch, PlanningNSW;
- Council: Mayor, Deputy Mayor, any interested Councillors, Director of Development Services and Director of Engineering Services/nominee;
- Relevant State Government Agencies; and
- Chinderah District Residents Association.

Amendment 2 was **Lost**

Voting For

Cr Beck
Cr Marshall

Voting Against

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

AMENDMENT 3

Cr Boyd

Cr James

PROPOSED that:-

1. The Minister for Infrastructure, Planning and Natural Resources and the Director-General of PlanningNSW be advised that:
 - a. On the basis of the information available to Council the marina proposal should not be supported.
 - b. Council firmly believes that the scale of the project is far too large.
2. Council acknowledges the issues raised in this report and requests the Director-General of PlanningNSW convene a meeting involving:-
 - The applicant and prime consultants;
 - The Assessments Branch, PlanningNSW
 - Council: Mayor, Deputy Mayor, any interested Councillors, Director of Development Services and Director of Engineering Services/nominee;
 - Relevant State Government Agencies;
 - One representative – President or nominee of each of:-
 - Kingscliff Ratepayers and Progress Association;

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- Chinderah District Residents Association;
- NSW Cane Growers' Association, Tweed River Branch;
- Tweed Heads Environment Group;
- Tweed District Residents and Ratepayers Association; and
- Banora Point Residents Association

With a view to resolving a proposal that responds to those issues – particularly the scale of the proposed marina.

Amendment 3 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

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

Voting For

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

Voting Against

Cr Boyd
Cr Carroll

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

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4. **Council Seal for the Transfer of Land under Development Consent 0651/2001DA for the Establishment of a Residential Subdivision (111 Lots - Stage 3) at Lot 903 DP 1017345 Cudgera Avenue, Pottsville**

DA4917/235 Pt12; LN 44101

793

Cr Luff

Cr Boyd

RESOLVED that :

1. The requirement to transfer in fee simple Lot 367 in DP 1052082 in Stage 3 of the Koala Beach Estate to Tweed Shire Council be endorsed and executed under the Common Seal of Council.
2. Council classifies Lot 367 in DP 1052082 as "operational" land.

Voting - Unanimous

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

5. **S82A Review for Development Application DA02/0447.01 for a Two Lot Residential Subdivision at Lot 2 DP 872747, Terranora Road, Terranora**

DA02/0447 Pt1; LN 40488

794

Cr James

Cr Davidson

RESOLVED that this item be deferred for a further report to be brought forward to Council.

Voting - Unanimous

6. **Review of Determination on Development Application DA02/1408 for Alterations & Additions to an Existing Housing Development at Lot 16 DP 21680, No. 21 Moss Street, Kingscliff**

DA02/1408 Pt1; LN 2157

Cr Luff

Cr James

PROPOSED that :-

1. The applicant be requested to vary the plans lodged with review of determination under section 82A of the Environmental Planning and Assessment Act 1979 to exclude the roof deck.
2. Following the receipt of the amended plans excluding the roof deck a further report be provided to Council for its determination but in the event that the applicant does not do this within 21 days, Council continues to defend the appeal in the Land and Environment Court.

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AMENDMENT

795

Cr Lawrie

Cr Marshall

RESOLVED that Council:

- A. Assumes concurrence of the Director-General of the Department of Infrastructure Planning and Natural Resources to approve the proposed development in accordance with plans lodged at Council on 2/9/2003 accompanying the Section 82A review in accordance with the conditions contained in this report; and
- B. Approves DA02/1408 for alterations and additions to an existing housing development at Lot 16 DP 21680, No. 21 Moss Street, Kingscliff subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans SK07b, SK08a, SK09b and SK10 dated July 2003 prepared by Craig Hope, except where varied by these conditions.
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
3. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:

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- (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

PRIOR TO COMMENCEMENT OF WORK

- 5. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
- 6. 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

- 7. 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).

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8. 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.
9. 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.
10. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. completion of work
11. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
12. 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.
13. 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.
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. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
17. Area below the spa is to be graded, drained and ventilated.

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18. 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.

19. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
20. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
21. The floor separating the Unit 3 additions from the existing Units 1 and 2 shall have a minimum RFL of 90/90/90 in accordance with Specification C1.1 of the Building Code of Australia.
22. A smoke detection and alarm system complying with Part E2.2a of the Building Code of Australia Volume 1 is to be installed to each sole occupancy unit.

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PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

23. 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.
24. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

The Amendment 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

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

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

REPORTS FROM DIRECTOR CORPORATE SERVICES

7. Budget Review 30 June 2003 - Carry Over Works

Budget

796

Cr Boyd

Cr Marshall

RESOLVED that the:

1. Quarterly Budget Review as at 30 June 2003 be adopted.

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2. Expenditure as detailed before be “voted” by Council in the 2003/04 Budget year.

Voting - Unanimous

8. Council Committees

Council - Committees of Council

797

Cr Beck

Cr Marshall

RESOLVED that the current membership of Council committees continues until the next Local Government Ordinary Election of Councillors on 27 March 2004.

Voting - Unanimous

9. 16th Annual NSW Local Government Aboriginal Network Conference

Aboriginal Matters; Councillors - Conferences

798

Cr Boyd

Cr Lawrie

RESOLVED that Council grants permission for Mr Russell Logan and also another member of the Aboriginal Community to attend the 16th Annual NSW Local Government Aboriginal Network Conference with all expenses to be borne by Council.

AMENDMENT

Cr Marshall

Cr Davidson

PROPOSED that Council grants permission for Mr Russell Logan to attend the 16th Annual NSW Local Government Aboriginal Network Conference with all expenses to be borne by Council.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

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The Motion was **Carried**

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

10. Monthly Investment Report for Period Ending 31 August 2003

Monthly Investment Report

799

Cr Luff

Cr Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. Tweed Road Development Strategy - 2003 Revision

Scenic Dr; Piggabeen Rd; McAllisters Rd; Elrond Dr; Leisure Dr; Bogangar Dr; Chinderah Rd; Kirkwood Rd; Fraser Dr; Falcon Way; Enterprise Ave, Terranora Rd; Winders Pl; Bilambil Rd; Greenway Dr; Tweed Heads Bypass; Kennedy Dr; Darlington Dr; Old Bogangar Rd; Old Pacific Hwy; Lakes Drive; R2830 Pt5; R1540 Pt3; R5460; R4930 Pt3; R4300 Pt8; R3130 Pt2; R1865 Pt1; R3035 Pt3; R3840 Pt6; R1070 Pt2; R2920 Pt3; R2150 Pt2; R1915 Pt1; R5431 Pt5; R5937 Pt1; R0530 Pt2; R2315 Pt1; R4035 Pt8

800

Cr Luff

Cr Marshall

RESOLVED that:-

1. (a) Detailed design work and preparation of a development application be commenced for Kirkwood Road between Fraser Drive and Falcon Way. The design is to allow for the future construction of north facing ramps to the Pacific Highway and the extension of Enterprise Avenue.
- (b) When detailed design and development consent is obtained Council determine the construction timeframe given that a final decision regarding the north facing highway ramps will be likely in that time frame.
2. Council formally advise the Roads & Traffic Authority that it objects to the Sexton Hill Deviation in regard to the Terranora Road intersection being restricted and that a full interchange at Terranora Road is required by Council and should be included in any Roads & Traffic Authority design work.
3. The proposed Winders Place link road to Greenway Drive not be proceeded with.

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4. Council advises the Roads & Traffic Authority that it does not object to an off ramp from the Pacific Highway (northbound) into Enterprise Avenue being constructed by a private developer, subject to it not compromising the Kirkwood Road ramps.
5. A report be prepared for Council to amend the Tweed Road Contribution Plan Works Program, based on the preceding recommendations and the modelling results.
6. The final Veitch Lister report be made available to interested parties.
7. Council places on display the Tweed Road Development Strategy - 2003 Revision, for three (3) days each, at the Tweed City and Tweed Mall Shopping Centres.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

12. **Tweed Shire City of the Arts - Donation from Griffith University & Tweed Valley Arts Council**

City of the Fifth Arts

801

Cr Davidson

Cr Marshall

RESOLVED that Council accepts the funds in the amount of \$6,000.00 from Griffith University and \$1,700.00 from the Tweed Valley Arts Council and votes the expenditure to the Tweed Shire City of the Arts 2003 - 2005 Homegrown Filmworks Project.

Voting - Unanimous

13. **Advice of Issue of Licence to Bayer for Genetically Modified Canola
Genetically Modified Food; Pure Food Act**

802

Cr Beck

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

Nil

DELEGATES REPORTS

Nil

OUTSTANDING INSPECTIONS

Nil

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ITEMS OF INTEREST & INFORMATION

2003 Theiss Riverprize

Tweed River Committee

Cr Marshall presented the Theiss Riverprize 2003 to the Mayor. Cr Marshall advised that the Tweed River Committee and Tweed Shire Council was again a National finalist for ongoing activities and initiatives in the field of sustainable river management.

ORDERS OF THE DAY

1. Cudgen Creek

Estuary Management; Cudgen Creek

803

Cr Polglase

Cr Marshall

RESOLVED that a report be prepared in regard to Cudgen Creek addressing the issue of siltation/navigation in conjunction with the upcoming review of the Estuary Management Plan.

Voting - Unanimous

2. Uki Development Control Plan

Strategic Planning Program; Notice of Motion

Cr Boyd

Cr Luff

PROPOSED that:

1. Council prepares a draft Development Control Plan for the village of Uki and extensively involves the residents of Uki in its preparation.
2. Consideration be given to proposals, including but not limited to the following:
 - a) Limiting one detached dwelling to each legally established lot zoned 2 (D) village;
 - b) Limiting height of any detached dwelling to seven (7) metres to eaves of the building; and
 - c) Contains other provisions that are directed at maintaining the defined character.

Such a Development Control Plan to be interim pending the completion of a comprehensive Development Control Plan when it has priority in the strategic planning work program.

3. Council considers the allocation of \$20,000 in the September 2003 budget review for the preparation of a comprehensive Development Control Plan for Uki.

AMENDMENT

804

Cr Beck

Cr Marshall

RESOLVED that Council:-

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1. Staff prepares a draft development control plan for the village of Uki and extensively involves the residents of Uki in its preparation
2. Considers the allocation of \$20,000 in the September 2003 budget review for the preparation of a comprehensive Development Control Plan for Uki.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

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

Voting - Unanimous

WORKSHOPS PREVIEW

Nil

QUESTION TIME

Meeting with Fingal Residents

Questions Without Notice; R2060 Pt4; Fingal Rd

Cr Luff

Asked will Council officers arrange a meeting on site with Fingal residents to discuss their concerns as expressed last week?

The Director Engineering Services advised that an extensive community consultation has already taken place and that no further meetings are proposed.

Kerb & Guttering, Fingal Road

Kerb & Gutter; Fingal Road; R2060 Pt4

Cr Luff

Enquired is the kerb and guttering installed with the rebuilt Fingal Road continuous and therefore prevents vehicles from parking on public foreshore land at any locations at which people might wish to picnic?

The General Manager advised that the rolltop kerb does not prevent vehicles from parking on public foreshore.

Minutes - Meeting of Tweed Shire Council

Control of Dangerous Dogs

Dog - Dangerous Declaration

Cr Beck

Asked whether staff could prepare a draft by-law, similar to that passed by Gold Coast City Council on the control of dogs that are considered dangerous or act in a dangerous manner?

The General Manager advised that question will be taken on notice with advice reported back to Council.

Response to Correspondence, Terranora Road, Terranora

Terranora Rd; R5431 Pt5

Cr Beck

Asked whether Councillors could be supplied with a copy of Council's response to the correspondence received from a resident in Terranora Road, Terranora in relation to advice concerning developments?

The General Manager advised that Councillors will be provided with a copy of Council's response.

COMMITTEE OF THE WHOLE

805

Cr Marshall

Cr Davidson

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 Activity and Non Compliance with Development Consent K99/1450 Being for the Construction of a Tourist Resort Comprising a Winery Building, 16 Accommodation Units, 4 Bungalows and an 18 Hole Golf Course at Lot 1 DP 1043885 Carool Road, Carool**

DA0960/730 Pt4; LN 18384; 18380

*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*

Minutes - Meeting of Tweed Shire Council

C159

That :-

- A. Penny Brothers Pty Ltd be given a final notice to comply with the conditions of Development Consent K99/1450 being for the construction of a tourist resort comprising a winery building, 16 accommodation units, 4 bungalows and an 18 hole golf course at Lot 1 DP 1043885 Carool Road, Carool.
- B. If after twenty eight (28) days of the date of the notice referred to in "A" there are still outstanding conditions, the matter be referred to Council's Solicitors to initiate appropriate action in the Land and Environment Court.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

2. **Tender EC2003-135, 136, 137, 138 - Supply & Delivery of One (1) Road Grader, One (1) Front End Loader, Two (2) Backhoes**
Contracts - Annual Supply; Contracts - Plant & Equipment
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*

C160

That Council:-

1. Accepts the tender from Gough and Gilmour for the supply of one (1) Caterpillar 12H Grader, one (1) Caterpillar IT 28G Tool Carrier Loader, two (2) Caterpillar 432D Backhoes for the sum of \$901,615.00 (inclusive of GST, being \$81,965.00)
2. Sells the existing Komatsu GD530 grader and two (2) Case 580 K Backhoes to Gough and Gilmour for the price of \$127,600.00 (inclusive of GST, being \$11,600.00)
3. Sells the existing Volvo L70 C Wheel Loader/Tool Carrier to Lanbrooke Machinery Sales for the price of \$86,200 (Inclusive of GST, being 7,836.36)
4. Advises the unsuccessful tenderers.

Voting - Unanimous

3. **Licence to Operate Water Based Activities on Waterways in the Tweed Shire Area**
Licences - Aquatic; Contracts - Licences; Rivers & Streams; Waterways
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*

Minutes - Meeting of Tweed Shire Council

C161

That a licence to operate commercial water based activities within the Tweed Shire area be issued to Michael Bevan (Cudgen Creek) and Peter Sloan (Cudgera Creek). The licence period will be from the date of determination by Council until the 30 June 2006.

Voting - Unanimous

ORDERS OF THE DAY IN COMMITTEE

Nil

C162

RESOLVED that the Committee resumes in Open Council.

Voting - Unanimous

806

Cr Marshall

Cr Luff

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

Voting - Unanimous

There being no further business the Meeting terminated at 6.15pm.



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 24 of these Minutes**

Chairman