

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck, M R Boyd, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, B M Luff, W M Marshall, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr David Oxenham (Acting Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Reg Norvill (Acting Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith/ (Minutes Secretary).

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

The meeting opened with a Prayer by Council's Chaplain, Bishop J Grindrod:-

"Almighty God, - fierce fires frighten us and raging storms make us realise how small and defenceless we are. Help us to remember that we cannot control, only work in cooperation with nature.

We give thanks for Fire Fighters, Emergency Service workers and volunteers; for Doctors; Nursing staff; Ambulance Officers; Police - all who work to care for and protect us - Protect and care for them too.

Help us as a Council to have a caring spirit, and to work in cooperation with nature and with one another - Grant us the vision of your great love for us and for all people; inspire us with the spirit of service after the pattern of our Lord Jesus Christ.

Amen."

CONFIRMATION OF MINUTES

806

Cr Boyd

Cr Lawrie

RESOLVED that the Minutes of the Ordinary Meeting held 17 September 2003 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Councillor R D Brinsmead, Mr Russell Logan (Aboriginal Mentor Program)

Councillor Brinsmead has informed the General Manager that his absence is caused by illness.

807

Cr Boyd

Cr Lawrie

RESOLVED that the apology of Cr Brinsmead be accepted.

Voting - Unanimous

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DELEGATES REPORT

Nil.

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Cr Beck

Cr Youngblutt

PROPOSED that Confidential Addendum Item 5a be moved from Confidential session to Ordinary Council.

The Motion was **Lost**

Voting For

Cr Beck
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall

SCHEDULE OF OUTSTANDING RESOLUTIONS

808

Cr Davidson

Cr Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Speed on Tweed

This item was received and noted.

Speed on Tweed

2. Bogangar/Cabarita Beach Advisory Steering Committee

This item was received and noted.

Cabarita Precinct Plan

3. Speed on Tweed

This item was received and noted.

Speed on Tweed

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4. Speed on Tweed

This item was received and noted.

Speed on Tweed

5. Tweed River Festival

This item was received and noted.

Tweed River Festival

6. Rates Incentive Promotion

This item was received and noted.

Rates Incentive Scheme

7. Industrial Development West Tweed

This item was received and noted.

Industrial Development General

8. Business Excellence

This item was received and noted.

Councillors' Invitations

9. Murwillumbah Pool

This item was received and noted.

Murwillumbah Pool

10. Tweed Masonic Lodge

This item was received and noted.

Councillors' Invitations

11. Tweed Futures

This item was received and noted.

Tweed Futures

12. UNCLE Organisation

This item was received and noted.

Children's Matters

13. Speed on Tweed

This item was received and noted.

Speed on Tweed

14. Lindisfarne Anglican School

This item was received and noted.

Councillors' Invitations

15. Murwillumbah Combined Churches

Councillors' Invitations

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This item was received and noted.

16. Tweed District Soccer

Councillors' Invitations

This item was received and noted.

17. Tweed Taskforce

Tweed Heads Ministerial Taskforce

This item was received and noted.

18. Councillors/Directors/Managers Christmas Party

Councillors' Invitations

This item was received and noted.

Adoption of Mayoral Minute

809

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

13. Amendment to Development Control Plan 39 - Energy Smart Homes

Development Control Plan; DCP 39; GT1/DCP/39 Pt1

810

Cr James

Cr Boyd

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

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.08pm.

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

811

Cr Beck

Cr Youngblutt

RESOLVED that Council approves the S82A Review and subsequently amends DA02/1447.01 by deleting conditions 7.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.20pm.

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AMENDMENT

Cr Lawrie

Cr James

PROPOSED that this item be deferred for a further report to be brought forward at the Council Meeting to be held 15 October 2003.

The Amendment was not Carried

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Davidson
Cr Marshall
Cr Youngblutt

The Motion was **Carried** on the Casting vote of the Mayor

Voting For

Cr Polglase
Cr Beck
Cr Davidson
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. Development Application DA02/1422.05 for an Amendment to Development Consent DA02/1422 for a 473 Lot Subdivision at Lots 194, 301, 312 DP 755701, Tweed Coast Road, Kingscliff**

DA02/1422 Pt17; LN 26174: LN 18698

812

Cr Beck

Cr Davidson

RESOLVED that Development Application DA02/1422.05 for an amendment to Development Consent DA02/1422 for a 473 lot subdivision at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road, Kingscliff be approved subject to amendment of the following conditions: -

1. Condition No. 20 be amended as follows: -
 20. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be

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commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following.

- (a) The bulk earthworks program shall be carried out in general accordance with the approved construction certificate, the Revised Earthworks Management Plan (Rev C, prepared by Cardno MBK and dated 10 April 2003) **as amended by the Addendum to the Earthworks Management Plan, Revision C, dated June 2003 and prepared Cardno MBK**, the Water Quality Monitoring Program (Rev B, prepared by Cardno MBK and dated March 2003) and the Hydraulic Placement Mitigation Report (Rev B, prepared by Cardno MBK and dated March 2003) except where varied by the following.
- The hydraulic delivery of the pumped sand shall also include a "return water system" which will pump collected delivery water back to the Action Sands site using the sand delivery pipeline. No delivery water shall be discharged to Cudgen Creek.
 - The sand delivery basin shall be constructed with an impervious base and walls to ensure that no pumped salt water infiltrates into the ground water system. A groundwater monitoring system shall be installed prior to the commencement of pumping to ensure that the integrity of the basin is maintained at all times. The basin shall also have sufficient structural integrity to withstand construction traffic loadings associated with heavy machinery. The design of the base and wall shall be submitted with the Construction Certificate for approval. Hydraulic calculations shall be submitted for the volumetric design of the delivery basins to ensure that it has adequate capacity to prevent discharge to Cudgen Creek.
 - The hydraulic delivery of sand (phase 3) shall not occur until a bund has been constructed along the entire frontage of lot 500 to prevent the discharge of stormwater into lot 500.
 - The hydraulic delivery of sand (phase 3) shall not occur until the east west drainage corridors discharging to outlets No. 16 and No. 17 have been formed to cater for a Q₁₀₀ overland flow.
 - Compliance with condition No. 127 of this consent relating to Drainage works for stage 1A.
 - At any point in time the total area under construction which exposes unprotected surfaces shall not exceed a maximum area of 12ha.

2. Condition 52 be amended as follows: -

52. All works shall comply with the Revised Earthwork Environmental Management Plan (Cardno MBK, April 2003) **as amended by the Addendum to the**

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Earthworks Management Plan, Revision C, dated June 2003 and prepared by Cardno MBK.

3. The addition of the following condition and renumbering the remainder of the conditions.
48. Prior to the commencement of works the applicant shall submit to Council a Traffic Management Plan addressing the following issues;
 - i. Road signage in accordance with the RTA – Traffic Control at Work Sites.
 - ii. Identify when the Traffic Controllers will stop vehicles travelling on the deviation road before the haul trucks approach. As a minimum this should occur 10 seconds before the haul truck reaches the road pavement.
 - iii. The plan should clearly identify that no haulage shall occur without accredited traffic controllers regulating traffic flow on the deviation road.
 - iv. The plan shall require the stoppage of the haulage trucks if six vehicles are queued at any one time. Once the queue has returned to two (2) vehicles the haulage trucks may continue.
 - v. The plan shall require the installation of two temporary signs advising motorists to expect delays between nominated dates and times. The sign shall be installed one (1) week prior to the commencement of works and shall be erected on Dianella Drive and on the northern approach to the bridge over Cudgen Creek. All writing on the signs shall be a minimum of 100mm in size.

Voting For

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

Voting Against

Cr Marshall

2. **Development Application DA03/0723 for an Emergency Accommodation for Single Men at Lot 100 DP 865105, Pacific Highway, Murwillumbah**

DA03/0723 Pt1; LN 39614

Cr Beck

Cr Youngblutt

PROPOSED that Development Application DA03/0723 for an emergency accommodation for single men at Lot 100 DP 865105 Pacific Highway, Murwillumbah be not approved as it

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against the public interest, there is no Night Manager seven nights a week (only 4 nights a week) which is unacceptable and that local residents have already trialed this scheme and found it to be unacceptable.

AMENDMENT 1

813

Cr Boyd

Cr Carroll

RESOLVED that a decision on this item be deferred to allow the applicant to address Community Access in October and to also invite the proponent to hold a meeting with residents of the nearby area.

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

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Beck
Cr Davidson
Cr Lawrie
Cr Youngblutt

AMENDMENT 2

Cr Luff

Cr James

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:

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- (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.

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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.

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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;

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- 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 2 was **Lost**

Voting For

Cr Carroll
Cr James
Cr Luff

Voting Against

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

Amendment 1 on being 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 Lawrie
Cr Youngblutt

3. **Development Application 0689/2000DA for a Storage & Launching Facility for Tweed Coast Sea Rescue Squad at Peninsula Street, Hastings Point**

DA1180/425 Pt1; LN 41178

814

Cr Davidson

Cr Marshall

RESOLVED that Development Application 0689/2000DA for storage and launching facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point, be approved in principle and the Director Development Services brings forward conditions for approval.

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Voting For

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

Voting Against

Cr Lawrie

SUSPENSION OF STANDING ORDERS

815

Cr Polgalse

Cr Davidson

RESOLVED that standing orders be suspended to deal with Addendum Item 3a and Item 10 of the Agenda.

Voting - Unanimous

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3a. **Gold Coast Airport - Runway Extension Project - Technical Reference Group
Airport - Runway Extension**

816

Cr Beck

Cr Davidson

RESOLVED that Council accepts the invitation and to send Councillor Polglase as its representative to the Runway Extension Project Technical Reference Group.

AMENDMENT

Cr Luff

Cr Carroll

PROPOSED that Council accepts the invitation and to send Councillor James as its representative to the Runway Extension Project Technical Reference Group.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

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The Motion was **Carried**

Voting For

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

Voting Against

Cr James
Cr Luff

REPORTS FROM DIRECTOR ENGINEERING SERVICES

10. Lower Oxley River Bank Stabilisation Project - Water Unit Contribution Oxley River; Riparian Projects; LandCare

817

Cr Beck

Cr Marshall

RESOLVED that this item be deferred to allow the community groups to address the Community Access meeting in November and to enable Council to contact the relevant Community Groups to update them on the project.

AMENDMENT

Cr Luff

Cr Boyd

PROPOSED that Council approves the allocation of \$30,000 from the Water Budget towards the Lower Oxley River Riparian Rehabilitation project.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

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818

Cr Luff

Cr Marshall

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

REPORTS FROM ACTING DIRECTOR CORPORATE SERVICES

4. **Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Reports - February, March, May, July, August and September 2003**

TACTIC

819

Cr Davidson

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

5. **Pecuniary Interest Ordinary Returns and Register**

Pecuniary Interest

820

Cr Davidson

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

6. **Parliamentary Inquiry into Local Government Amalgamations**

DW945623; Amalgamations

821

Cr Davidson

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

7. **Planning Institute Australia NSW Division Conference 28 -31 October 2003**

Councillors - Conferences

822

Cr Boyd

Cr Youngblutt

RESOLVED that the Mayor and Deputy Mayor be authorised to attend the Planning Institute Australia NSW Division Conference to be held in Thredbo from 28 to 31 October 2003.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

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8. **Licence Agreement between Council and Currumbin Wildlife Sanctuary - Uki Sewage Treatment Plant - Use of Effluent to Irrigate Koala Food Trees at Lot 2 in DP 550508**

PF5100/2690; LN 17859

823

Cr Boyd

Cr Beck

RESOLVED that:-

1. Council approves to be bound by the terms, conditions and provisions of a Licence Agreement with the Currumbin Wildlife Sanctuary for a term of 10 years and 2 options of 5 years over Lot 2 DP 550508; and
2. All necessary documentation be endorsed under the Common Seal of Council.

Voting - Unanimous

9. **Acquisition of Land for the Purposes of a Reservoir at Duranbah**
DA1960/576 Pt1; Reservoirs - Duranbah; LN41881

824

Cr Marshall

Cr Lawrie

RESOLVED that:-

1. Council approves the purchase of part of Lot 14 in DP 869748 from Bruttfan Pty Ltd by private treaty; and
2. The land be classified as Operational pursuant to S25 of the Local Government Act, 1993.
3. All necessary documentation be endorsed under the Common Seal of Tweed Shire Council.

Voting - Unanimous

10. **Lower Oxley River Bank Stabilisation Project - Water Unit Contribution**
Oxley River; Riparian Projects; LandCare

This item was dealt with earlier in the Meeting at Minute No. 817.

11. **Clarrie Hall Dam Spillway Upgrade Subsidy**
Clarrie Hall Dam Spillway Upgrade

825

Cr Marshall

Cr Boyd

RESOLVED that Council:-

1. (a) Accepts the funding offer of \$105,000 from the Minister for Energy and Utilities to undertake pre-construction activities associated in upgrading Clarrie Hall Dam Spillway.

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(b) Votes the expenditure.

2. Executes any documentation under the Common Seal of Council.

Voting - Unanimous

12. Bray Park Water Treatment Plant Augmentation Options

EC2003-07; Consultancy; Water Headworks - Weirs - Bray Park

826

Cr Marshall

Cr Luff

RESOLVED that Council calls tenders for the supply of a submerged membrane filtration system for the augmentation of Bray Park Water Filtration Plant from 50 ML/d to 100 ML/d.

Voting - Unanimous

13. Application to Close & Purchase Road Reserve - Cudgera Creek Road Burringbar, Adjacent to Lot 1 DP 379905

GR3/12/9 Pt1; Road Closures - Mooball

827

Cr Luff

Cr Marshall

RESOLVED that:-

1. Council approves the closure of part of the road reserve of Cudgera Creek Road, Burringbar;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

Voting - Unanimous

14. Renaming of Roads - North Arm Road and Numinbah Road at Boatharbour Bridge, North Arm

R3740 Pt2; North Arm Road; R3780 Pt4; Numinbah Road

828

Cr Beck

Cr Luff

RESOLVED that:-

1. Council adopts the renaming of the public roads as follows:-

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- (a) Council adopts the name "*Numinbah Road*" in lieu of the current name of "North Arm Road" for the 190 metre strip of road between the new Boatharbour Bridge and Numinbah Road;
 - (b) Council adopts the name of "*Nobbys Creek Road*" in lieu of that part of Numinbah Road from the new Boatharbour Bridge extending to Nobbys Creek Road, North Arm;
2. The renaming of the public roads be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

Voting - Unanimous

15. Asphalt Overlay Program 2003 - 2004 Roads - Repair Program, Maintenance Program; Tweed Valley Way

829

Cr Luff

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr James absence left the meeting.

TEMPORARY ABSENCE FROM MEETING

Cr Luff left the meeting.

Voting - Unanimous

RETURN TO MEETING

Cr James returned to the meeting.

RETURN TO MEETING

Cr Luff returned to the meeting.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

16. Tweed Shire Regional Botanic Gardens

Parks - Tweed Botanic Gardens

830

Cr Boyd

Cr Marshall

RESOLVED that :-

1. Council endorses the next phases of construction of the Tweed Shire Regional Botanic Gardens.

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2. A competition be held to produce a logo for the Tweed Regional Botanic Gardens with a panel comprising of the Mayor, the Director Environment and Community Services, Manager Recreation Services, Manager Environment and Health Services, and a Representative of the Friends of the Botanic Gardens be convened to oversee the process and present a final recommendation to Council.
3. Council votes the expenditure of \$200,000 from the Stotts Creek Waste Depot Rehabilitation Fund for the works associated with the Waste Depot.

Voting - Unanimous

17. Pottsville Consultation August 2003

Aged Services; Police; Education Matters

831

Cr Marshall

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

1. **Minutes of the Bob Whittle Murwillumbah Airfield Management Committee Meeting held Tuesday 16 September 2003**

Murwillumbah Airfield

2. **Confirm Murwillumbah Hangar Group Rental at \$ 5,000 Per Annum Plus GST**

Murwillumbah Airfield

832

Cr Marshall

Cr Davidson

RESOLVED that Council accepts the Bob Whittle Murwillumbah Airfield Committee's proposed annual rental rate of \$5,000 per annum + GST for the Murwillumbah Hangar Group, to apply from 1 October 2002.

Voting - Unanimous

833

Cr Marshall

Cr Davidson

RESOLVED that the balance of the Minutes of the Bob Whittle Murwillumbah Airfield Management Committee Meeting be adopted.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Lawrie left the meeting.

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2. Minutes of the Floodplain Management Committee Meeting held on Wednesday 27 August 2003

File No: Floodplain Management

1. Committee Representatives

Floodplain - General & Policy

834

Cr Boyd

Cr Luff

RESOLVED that Council calls for Expressions of Interest for inclusion on the Committee of representatives from the following localities and groups: Oxley Cove; South Tweed; Cane Growers; Dorothy Street; Caravan Parks.

Voting - Unanimous

835

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Floodplain Management Committee Meeting be adopted.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

RETURN TO MEETING

Cr Lawrie returned to the meeting.

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

3. Minutes of the Local Traffic Committee Meeting held Thursday 18 September 2003

Traffic Committee

4. Village of Kunghur (Kyogle Road)

R0715; Local Area Traffic Management LATM; Traffic - Speed Zones; R2960 Pt9; Kyogle Road

836

Cr Marshall

Cr Luff

RESOLVED that a 70kph zone be installed on Kyogle Road at Kunghur from the bridge on the western edge of the village for a distance of 800m.

Voting - Unanimous

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12. Smiths Creek Road, Uki

R5100 Pt2; Traffic - Speed Zones; Smiths Creek Road

837

Cr Marshall

Cr Luff

RESOLVED that a 70kph speed zone be installed on Smiths Creek Road from the existing 60kph zone to 100m south west of Clareville Road.

Voting - Unanimous

2. Boyd Street

R0700 Pt2; DW923590; Parking Zones; Boyd Street

838

Cr Marshall

Cr Luff

RESOLVED that 2 hour parking be installed on both sides of Boyd Street between Brett and Florence Streets between the hours of 8:00am and 5:00pm Monday to Friday and 8:30am to 12:30pm Saturday.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Carroll left the meeting.

14. Ourimbah Road, Tweed Heads West

R3970 Pt2; B-Doubles; Ducat Street; Kennedy Drive; Ourimbah Road

839

Cr Beck

Cr Youngblutt

RESOLVED that this item be referred back to the Local Traffic Committee to reconsider the restricted hours of operation for B-doubles on Ducat Street and Ourimbah Road.

Voting - Unanimous

3. Tweed Valley Way

R4031 Pt 17 – DW918630; Local Area Traffic Management LATM

Cr Beck

Cr Lawrie

PROPOSED that the status quo remain.

AMENDMENT

840

Cr Boyd

Cr Luff

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RESOLVED that the 80kph zone on Tweed Valley Way be changed between the Murwillumbah Gateway sign and the existing 80/60kph boundary to 70kph north of Reserve Creek Road.

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall
Cr Youngblutt

4. Nobbys Creek Road & Blackwoods Road, Boatharbour

R3710 Pt1; R0560 Pt1; Local Traffic Committee; Blackwoods Road; Nobbys Creek Road

841

Cr Marshall

Cr Luff

RESOLVED that the 'Give Way' sign on Nobby's Creek Road at the intersection with Blackwoods Road be removed.

Voting - Unanimous

5. Bilambil Road, Bilambil

**R0530 Pt2; DW944891; 944883; 944890; 944889, 944888, 944887, 944886, 944885, 944884
Traffic - Speed Zones; Bilambil Road**

842

Cr Marshall

Cr Luff

RESOLVED that the speed limit on Bilambil Road between Bilambil Road West and Beltona Drive be reduced to 80kph.

Voting - Unanimous

7. Chinderah Bay Drive and Waugh Street B Double Routes

R1071 Pt3; R5860 Pt1; B-Doubles; Chinderah Bay Drive; Waugh Street; DW948164

843

Cr Marshall

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Cr Luff

RESOLVED that the B-double route along Chinderah Bay Drive from Fingal Road to Waugh Street, Fingal Bay off ramp to Chinderah Bay Drive and Waugh Street be approved and extended for another 5 years.

Voting - Unanimous

9. Tweed Coast Road, Pottsville

DW945063; Traffic - School Zones; R1181 Pt13

844

Cr Marshall

Cr Luff

RESOLVED that the installation of a Children's Crossing on Tweed Coast Road south of the Pottsville Primary School at the existing pedestrian refuge be implemented.

Voting - Unanimous

11. Chinderah Bay Drive and Waugh Street B Double Routes

R1071 Pt3; R5860 Pt1; B-Doubles; Chinderah Bay Drive; Waugh Street; DW944345

845

Cr Marshall

Cr Luff

RESOLVED that the B-double route along Chinderah Bay Drive from Fingal Road to Waugh Street, Fingal Bay off ramp to Chinderah Bay Drive and Waugh Street be approved and extended for another 5 years.

Voting - Unanimous

12. Kiora Street, Banora Point

R2905 Pt1; DW949262; Kiora Street; Traffic - Linemarking

846

Cr Marshall

Cr Luff

RESOLVED that double centre lines be installed on Kiora Street Banora Point on the crest of the hill.

Voting - Unanimous

13. Gollan Drive, Tweed Heads West

R2270 Pt 1; Traffic - Linemarking; Gollan Drive

847

Cr Marshall

Cr Luff

RESOLVED that the lanes on Gollan Drive be reconfigured to one lane for the section of dual lanes heading east be reduced to one lane between Scenic Drive and Cobaki Bridge. The work will include painted seagull treatments at Lakes Drive and Gollan Drive and Gollan Drive with Scenic Drive.

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Voting - Unanimous

14. Pacific Highway Sexton Hill

R4031 Pt17; Pacific Highway - Down Centre

848

Cr Marshall

Cr Luff

RESOLVED that the Roads & Traffic Authority Representative be requested to pursue the installation of signage north and southbound on Sexton Hill banning trucks from using the centre lane.

Voting - Unanimous

15. Wharf Street, Tweed Heads

R5901 Pt 1; Traffic - Parking Zones

849

Cr Beck

Cr Luff

RESOLVED that 'No Parking' signage be installed between the two driveways at the Planning NSW office in Wharf Street, Tweed Heads.

Voting - Unanimous

850

Cr Marshall

Cr Luff

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

Voting - Unanimous

DELEGATES REPORTS

Nil

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

RETURN TO MEETING

Cr Carroll returned to the meeting.

ORDERS OF THE DAY

1. Terranora Village

PF5430/1590 Pt2; LN 36895; Notice of Motion

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851

Cr Boyd

Cr Polglase

RESOLVED that Council staff brings forward a report which:

- a) covers the time that has elapsed since the approval was given for the neighbourhood shopping centre in the Terranora Village; and
- b) what action is recommended to be taken to secure its completed.

Voting - Unanimous

2. **Industrial Subdivision at Tringa Street, West Tweed Heads
GS4/96/49 Pt 3; Subdivision Application Correspondence; Notice of Motion**

852

Cr Boyd

Cr Luff

RESOLVED that staff furnish a report which details the sequence of events surrounding the commencement of construction of the access road to the industrial land off Tringa Street and which includes:-

- i) The date when staff first became aware of this activity;
- ii) What action was taken by staff following discovery?
- iii) An explanation as to why no action was apparently taken to recommend that legal proceedings should be commenced.

Voting - Unanimous

3. **Industrial Land Adjacent Cobaki Creek
Industrial Land Investigation; Notice of Motion**

853

Cr Luff

Cr Boyd

RESOLVED that Council arranges a public meeting to provide information on the parcel of industrial land which adjoins Cobaki Creek, and is between Kennedy Drive and the Airport land. Council will particularly invite the landowner or representative to attend, and residents of Tringa, Gray and other nearby streets.

Voting For

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

Voting Against

Cr Beck
Cr Lawrie

Minutes - Meeting of Tweed Shire Council

WORKSHOPS PREVIEW

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

854

Cr Luff

Cr Boyd

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:-

SUSPENSION OF STANDING ORDERS

5b. Tweed Valley Regional Art Gallery Foundation Limited

Art Gallery - Tweed Valley Regional Foundation; Legal - Matters

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

(f) matters affecting the security of the council, councillors, council staff or council property

855

That Council, for its part, accepts the general terms of the Deed of Settlement and Release accompanying the letter from Stacks - The Law Firm dated 29 September 2003 and affixes the Common Seal to the final documentation.

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

Minutes - Meeting of Tweed Shire Council

RESUMPTION OF STANDING ORDERS

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

1. EC2003-144 Supply & Laying of Asphaltic Concrete at Various Locations Annual Supply; Roads/Drainage

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*

856

That Council awards contract EC2003-144 to Pioneer Road Services Pty Ltd at the per tonnage rates quoted in this report.

Voting - Unanimous

2. EQ2003-22(B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier Annual Supply; Expression of Interest; Stores & Materials; Tender Advertisements

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*

857

That Council enters into formal Preferred Supplier Arrangements with discount levels as submitted with all previously nominated suppliers. The Preferred Supplier Arrangement will be from the date determined by Council until the 30 June 2004. At Council's sole discretion and subsequent approval two (2) further extensions of twelve (12) months each may be approved.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

3. Tender EC2003-132 - Upgrading of Leisure Drive, Tweed Heads South to Four Lanes between Fraser Drive and Eucalyptus Drive

GC12/4-2003132 Pt1; Eucalyptus Drive; R1917 Pt1; Fraser Drive; R2150 Pt3; Leisure Drive; R3035 Pt3; Roads/Drainage

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*

858

That:-

1. Council accepts the tender from Basic Constructions Pty Ltd for the lump sum contract price of \$606,180.00 (GST Inclusive) subject to the Department of Education agreeing to fund its portion of the works.
2. All documentation be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 10% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

4. Southern Boat Harbour Commercial Operators Wharf

Southern Boat Harbour

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*

859

That:-

1. Council proceeds with the project and finalises the lease agreement with the Department of Lands.
2. Council proceeds to enter into licence agreements with the Boat Operators at the fee of \$360 plus GST plus disbursements.
3. Subject to the finalisation of Recommendations 1 and 2 Council accepts the tender from Pacific Pontoon & Pier for EC 2002-129 Design and Construction of an 18 Berth Floating Marina at the Southern Boat Harbour, Tweed Heads for the Lump Sum Amount of \$350,682 (exclusive of GST).
4. Subject to the finalisation of Recommendations 1 and 2 Council accepts the tender from MJ & SL Seery for EC 2003-4 Proposed Parking Area at Southern Boat Harbour Tweed Heads for the Lump Sum Amount of \$144, 645 (exclusive of GST).

Minutes - Meeting of Tweed Shire Council

5. Council votes the expenditure of \$667,853 from the Land Development Fund and accepts NSW Waterways grant of \$45,502 for its contribution toward the public berths.
6. The Director of Engineering Services be given delegated authority to approve variations up to a total of 10% of the total project value.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5. **Proposals to Operate the Tweed Shire Council Animal Impounding Facility**
Dog - Pound; Companion Animals
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

This item was dealt with at Item No 5a - Minute No C173 refers.

LATE ITEM

860

That Item 5a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

- 5a. **Additional Information - Proposal to Operate the Tweed Shire Council Animal Impound Facility**
Dog - Pound; Companion Animals
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

861

That this item be deferred to allow Council to clarify the structure and legal entity of Friends of the Pound, their proposed management of the Pound and their ability to access the State Companion Animal Register.

Voting - Unanimous

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5b. Tweed Valley Regional Art Gallery Foundation Limited

Art Gallery - Tweed Valley Regional Foundation; Legal - Matters

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

(f) matters affecting the security of the council, councillors, council staff or council property

This item was dealt with earlier in the Meeting at Minute No C174.

862

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 6.35pm.



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