

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, H James, G J Lawrie, J F Murray.

Also present were Mr Mike Rayner (Acting General Manager), Mr Michael Chorlton (Chief Financial Officer), Mr Ian Munro (Acting Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mr Brian Donaghy (Manager Administration Services/Public Officer), Mrs Maree Morgan and Miss Alyson Morgan (Minutes Secretary)

PRAYER

The meeting opened with a Prayer by the Mayor, Cr Warren Polglase.

40 Years of Service in Local Government – Cr Boyd

The Mayor, Cr Warren Polglase congratulated Cr Max Boyd for his 40 Years of Service in local government.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held Wednesday 1 September 2004

646 RESOLUTION:

Cr G J Lawrie
Cr G B Bell

RESOLVED that the Minutes of the Council Meeting held Wednesday 1 September 2004 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

ITEMS NOT INCLUDED IN AGENDA

2004/2005 Rates Incentive Prize

The 2004/2005 Rates Incentive prize was drawn by the Mayor, Cr Warren Polglase.

1st prize Toyota Echo 3 door manual with air-conditioning, power steering, central locking and CD player valued at \$16,900.00

Winner: Mrs Barbara Sutherland, 11 Blue Haze Crescent, Banora Point

2nd prize 5-night holiday staying at the Radisson Treetops Resort, Port Douglas, supplied by Harvey World Travel, valued at \$2,000.00

Winner: Ms Wendy Allen, 108 Ash Drive, Banora Point

Northern Rivers Urban Designs

Council's Manager Environment & Health Services, Mr Geoff Edwards advised that Council entered a nomination for the Northern Rivers Urban Awards and was successful in winning an award for design of the Tweed Regional Art Gallery.

Mr Edwards presented the Mayor with a framed certificate and a trophy for the win.

ANHECA New Building Award 2004

Cr Beck advised Council that the "ANHECA New Building Award 2004" was presented by Australian Nursing Homes and Extended Care Association Ltd to Bangalor Retreat.

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

647 RESOLUTION:

Cr H James
Cr D M Holdom

RESOLVED that Item 1 in the confidential agenda be transferred to open Council.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

648 RESOLUTION:

Cr H James
Cr G B Bell

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Citizenship

2 September – conducted private citizenship ceremony at Murwillumbah for Ms. Lynn De Lacy Frost and Miss Tanyja Pommersheim

2. Tweed Futures

2 September – Tweed Futures Steering Committee Meeting at Murwillumbah

3. Murwillumbah Festival of Arts

2 September – Murwillumbah Festival of Arts Awards Concert at Murwillumbah

4. Garden Competition

3 September - Judging Shire's Annual Garden Competition

5. Volunteer Marine Rescue Point Danger

4 September – attended Annual General Meeting of the Point Danger Volunteer Marine Rescue

6. Rats of Tobruk Association

5 September – attended Dedication of Gold Coast Tobruk Memorial at Point Danger

7. Casino/Murwillumbah Rail Line

6 September – attended Mayors' meeting at Lismore Council

8. NRACC

9 September – attended NRACC meeting at Ballina

9. Festival of Speed on Tweed

10 September – Volunteer sign-on at Murwillumbah

10. Museum Building

10 September – Inaugural Dinner of Members/Museum Building at Murwillumbah

11. Murwillumbah South Infants School

11 September – 50th Jubilee Celebrations of Murwillumbah South Infants School

12. Murwillumbah Netball

11 September – Murwillumbah Netball Finals & Presentations

13. Centrelink

13 September – Opening Centrelink Call Centre by Larry Anthony

14. Murwillumbah Meals on Wheels

13 September – Murwillumbah Meals on Wheels Annual General Meeting

15. Tweed Chamber

14 September – Tweed Chamber Breakfast at South Tweed

16. Tweed Shire Garden Competition

14 September – Presentation Evening for Tweed Shire Garden Competition

17. Twin Towns

15 September – groundbreaking ceremony – turning of first sod Wharf St Tweed Heads

INVITATIONS ACCEPTED:

- 16 September – Public Meeting re Barnby Street Masterplan
- 16 September – Civic Reception for Local Olympians at Tweed Bowls Club
- 16 September - Festival of Speed on Tweed – sponsors & supporters gathering
- 17 September – Citizenship Ceremony Tweed Heads (National Citizenship Day)
- 17 September – Festival of Speed on Tweed Street Parade
- 18 September – Festival of Speed on Tweed – flag off first cars
- 18 September – Festival of Speed on Tweed Dinner
- 20 September – Signing of Museum’s Memorandum of Understanding
- 20 September – Blair Athol AGM
- 21 September – Sports Advisory Committee Meeting
- 21 September – Public Meeting – Kirkwood Road Concept Design
- 22 September – Lot 490 Steering Committee Meeting
- 23 September – Murwillumbah Chamber Business Breakfast
- 23 September – Murwillumbah High School Year 12 Final Assembly
- 24 September – TEDC Board Meeting
- 25 September – Burringbar School of Arts Ball
- 29 September – Lot 490 Steering Committee Final Meeting
- 1 October - Jack Evans Boat Harbour Project Steering Committee Meeting

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

- Local Government Assoc. “Ageing & Place Seminar” **21 September 2004** Sydney
- SEPPs Workout **20 October 2004** Sydney
- Explanations Unlimited ½ day Workshop “Answers to Councillors’ Frequently Asked Questions – **11 October** (Coffs Harbour); **14 October** (Maitland); **18 October** (Sydney)
- “Tides of Change” Local Government Community Development and Planning Conference **27-29 October 2004** Local Entertainment Centre
- University of Newcastle “Pathways to Profit” **26 November 2004** Central Coast

649 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute be adopted.

FOR VOTE - Unanimous

ITEMS DEFERRED

[ID] [OGM] First Round Donations 2004/2005 - Festivals Policy

650 RESOLUTION:

Cr H James

Cr G J Lawrie

RESOLVED that this item be dealt with in conjunction with item 9 of this agenda.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Development Application DA04/0596 for a Farm Shed & Manager's Residence at Lot 1 DP 874316, Piggabeen Road Tweed Heads.**

651 AMENDMENT

Cr R D Brinsmead

Cr L F Beck

RESOLVED that this item be deferred to allow the applicant to amend their development application.

FOR VOTE - Unanimous

2 [PE] Development Application DA03/1038 for a 7 Lot Subdivision at Lot 121 DP 755701, NO. 50 Chinderah Bay Drive, Chinderah

**Cr M R Boyd
Cr B J Carroll**

PROPOSED that this application be refused for the following reasons:

1. Any filling on this site together with development on the lots proposed will inevitable have a cumulative impact on flooding levels upstream
2. Any afflux created by this and other similar developments in Chinderah are unable to be compensated for by any action available to Council.
3. The impact of the development has not been canvassed with Tweed SES representatives.
4. Flooding behaviour in Chinderah as a result of the construction of the Chinderah bypass, the new Motorway and the sand stockpiles of Action Sands is an unknown but must have been changed and as a result call into question the information contained in the Cameron McNamara report of September 1984.
5. No updated modelling information particular to this site and Chinderah generally is available to Council but is expected to be to hand in a matter of several weeks.
6. In the case of a Probable Maximum Flood, Council has been made aware by Senior Officers of the State Emergency Offices from Lismore of the catastrophic impact an event of this magnitude would have on an estimated 25,000 people who currently live on the flood plain. Council cannot now act in good faith by allowing more residents to be put at risk by approving this development application.
7. No local road plan has been provided by the applicant under guidance by representatives of the State Emergency Service.

652 AMENDMENT

**Cr L F Beck
Cr G J Lawrie**

RESOLVED that Council:

1. Receives and notes this report and the applicant be advised that it will be necessary to provide a Bushfire Assessment Report and Integrated

Development fee for referral to NSW Rural Fire Service before the application can be formally determined.

2. Subject to a favourable response from the NSW Rural Fire Service, the application be determined under delegation by the Director, Planning and Environment.

The Amendment was **Carried**

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

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

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

- 3 **[PE] Proposed Tweed Local Environmental Plan 2000 Amendment - Lot 4, DP 835954, North Arm Road, Murwillumbah**

653 RESOLUTION:

Cr G J Lawrie
Cr G B Bell

RESOLVED that:

1. Council prepares a draft Local Environmental Plan, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, correcting a mapping anomaly on land identified as part Lot 4, DP 835954 and part Lot 1, DP 814412.
2. The Director-General of the Department of Infrastructure, Planning and Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed Local Environmental Plan Amendment.

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Boyd, Cr Dale, Cr James
AGAINST VOTE - Cr Carroll

- 4 [PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application for a Dwelling and Two Lot Subdivision at Lot 346 DP 755701, Coronation Avenue, Pottsville

654 RESOLUTION:

**Cr G J Lawrie
Cr H James**

RESOLVED that Council:

1. Advises the Director-General of the Department of Infrastructure, Planning and Natural Resources that, pursuant to section 54(4) of the Environmental Planning and Assessment Act 1979 Council intends to prepare a draft Local Environmental Plan to amend Schedule 3 to clause 53 of the Tweed Local Environmental 2000 to enable a two lot subdivision and dwelling house at Lot 346 DP 755701 and that Council does not consider a Local Environmental Study is needed.
2. Requests the Director-General to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.
3. Supports in principle the dedication of Lot 2 to Council at no cost.

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Dale, Cr James

AGAINST VOTE - Cr Carroll, Cr Boyd

- 5 [PE] Draft Development Control Plan No 48 - Tweed Coast Building Heights

655 RESOLUTION:

**Cr R D Brinsmead
Cr J F Murray**

RESOLVED that Council:

1. Amends Section 2.2 Acceptable Solutions by replacing:

“Acceptable Solutions

Development, to comply with the goals set by the building height performance criteria, will:

- A1. *Measure the height in relation to a building to the uppermost ceiling or top plate of the highest external wall as follows:*
- 3 storey commercial development - 11 metres
 - 3 storey residential development - 9 metres
 - 3 storey mixed development (commercial on ground floor and 2 storeys of residential/tourist above) - 10 metres
 - 2 storey commercial development - 8 metres
 - 2 storey residential development - 6 metres
- A2. *Measure the maximum height of a building to the highest point on the ridge of the roof and including all ancillary structures such as, but not limited by, lift overruns, pergolas, satellite dishes, solar heating panels and kitchen exhaust shafts/cowls a further 2 metres above these nominated heights.”*

with the following:

“Acceptable Solutions

Development, to comply with the goals set by the building height performance criteria, will:

- A1. *Measure the height in relation to a building from finished ground level to the uppermost ceiling or top plate of the highest external wall as follows:*
- 3 storey commercial development - 11 metres
 - 3 storey residential development - 9 metres
 - 3 storey mixed development (commercial on ground floor and 2 storeys of residential/tourist above) - 10 metres
 - 2 storey commercial development - 8 metres
 - 2 storey residential development - 6 metres
 - 2 storey mixed development (Commercial on the ground floor, 1 storey residential/tourist above) - 7 metres
- A2. *Measure the maximum height of a building from finished ground level to the highest point on the ridge of the roof and including all ancillary structures such as, but not limited by, lift overruns, pergolas, satellite dishes, solar heating panels and kitchen exhaust shafts/cowls as follows:*
- 3 storey commercial development - 13 metres
 - 3 storey residential development - 11 metres
 - 3 storey mixed development (commercial on ground floor and 2 storeys of residential/tourist above) - 12 metres
 - 2 storey commercial development - 10 metres

- 2 storey residential development - 8 metres
 - 2 storey mixed development (Commercial on the ground floor, 1 storey residential/tourist above) - 9 metres”
2. Pursuant to Clause 21 of the Environmental Planning and Assessment Act Regulation 2000 adopt Development Control Plan No 48 -Tweed Coast Building Heights.
 3. Provides public notice of its decision.

FOR VOTE - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Murray temporarily left the meeting.

6 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 9 - Wardrop Valley Industrial Area

656 RESOLUTION:

Cr M R Boyd
Cr B J Carroll

RESOLVED that Council:

1. Prepares a Tweed Local Environmental Plan 2000 Amendment for the land identified in Figure 1 of this report separately from the remaining area identified to the Department of Infrastructure, Planning and Natural Resources under Section 54 of the Environmental Planning and Assessment Act as Tweed Local Environmental Plan 2000, Amendment No 9 - Wardrop Valley Road, Wardrop Valley.
2. Defers the preparation of a Tweed Local Environmental Plan 2000 Amendment for the remainder of the land.
3. Exhibits draft Tweed Local Environmental Plan 2000 amendment No. 9 in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled “LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council”,
4. Requests that the proponents forward a \$2,200 rezoning fee to Council in accordance with Council’s fees and charges and that the draft Tweed Local Environmental Plan 2000 amendment not be exhibited until the fee has been received.

FOR VOTE - Cr Polglase, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd
AGAINST VOTE - Cr Dale, Cr James
ABSENT, DID NOT VOTE - Cr Murray

RETURN TO MEETING

Cr Murray returned to the meeting.

7 [PE] Tweed Local Environmental Plan 2000 Amendment No. 7 - Bogangar Release Area

657 RESOLUTION:

Cr M R Boyd
Cr S M Dale

RESOLVED that Council informs the proponent that it intends to submit draft Tweed Local Environmental Plan 2000, Amendment No 7, to the Minister incorporating 25m buffers as required by the Department of Infrastructure, Planning and Natural Resources, subject to the proponent providing satisfactory evidence that the additional filling of Areas 1 and 2, as identified by the proponent, will not result in any adverse flooding impacts on existing adjoining residential development.

FOR VOTE - Unanimous

a7 [PE] Development Application DA03/0998 for an Attached Dual Occupancy at Lot 22 Sec 4 DP 8568, No. 40 Charles Street Tweed Heads

658 RESOLUTION:

Cr H James
Cr L F Beck

RESOLVED that this item be deferred to the Meeting to be held on Wednesday, 6 October 2004.

FOR VOTE - Unanimous

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

8 [OGM] Proposed Lease from Council to Telstra - Round Mountain Reservoir

659 RESOLUTION:

**Cr M R Boyd
Cr G B Bell**

RESOLVED that a lease be entered into with Telstra Corporation Limited for a low impact installation facility to be installed on Round Mountain Reservoir for a period of five (5) years with a right to renewal at a rental of \$10,000 per annum, as per the conditions contained in this report.

FOR VOTE - Unanimous

9 [OGM] First Round Donations 2004/2005 - Festivals Policy

**Cr B J Carroll
Cr H James**

PROPOSED that Council:

1. Acknowledges that reports have now been received from the five organisations receiving festival funding in the 2002/2003 and 2003/2004 financial years who previously had reports outstanding. These organisations are Speed on Tweed, Tweed Banana Festival, Wollumbin Dreaming, Tyalgum Music Festival and the Kingscliff Food Art and all That Jazz Festival.
2. On the basis of that compliance and on the basis of applying the principle of equity in its working relationships with the community, accepts applications from any of these organisations for Festival Funding in the 2004/2005 financial year for consideration.
3. That any organisation allocated monies through the Festivals policy be informed that the administration and reporting of income and expenditure and the festival's overall outcomes will be subject to the current policy and any subsequent changes to that policy in the 2004/2005 year.

4. That funds be allocated in this round as follows:

Tweed Banana Festival	\$6,000
Tyalgum Diggers Festival	\$2,500
Kingscliff Art Food and all That Jazz	\$3,000
Senior Citizens	\$4,500
Outrigger Regatta	\$2,000
Total	\$18,000

660 AMENDMENT

Cr W J Polglase

Cr J F Murray

RESOLVED that funds be allocated in this round of donations as follows:

Tweed Banana Festival	\$8,500
Tyalgum Diggers Festival	\$2,000
Greenback Fishing Competition	\$2,500
Senior Citizens	\$4,500
Outrigger Regatta	\$2,000
Total	\$19,500

The Amendment was **Carried**

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie

AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

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

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie

AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

10 [OGM] Representation on the Aboriginal Advisory Committee

661 RESOLUTION:

Cr L F Beck

Cr G J Lawrie

RESOLVED that Councillor Holdom be appointed as a further Council Representative on the Aboriginal Advisory Committee.

FOR VOTE - Unanimous

- 11 [OGM] Summary of Declaration of Political Contributions received and electoral expenditure incurred in respect of the Council election held on 27 March 2004

662 RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

- 12 [OGM] Monthly Investment Report for Period Ending 31 August 2004

663 RESOLUTION:

Cr M R Boyd
Cr G B Bell

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

LATE ITEM

664 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that Item a12 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

a12 [OGM] Withdrawal of Caveat

665 RESOLUTION:

**Cr M R Boyd
Cr D M Holdom**

RESOLVED that:

1. Council lifts Caveat I215382 over the residential subdivision of 110 lots at Lot 52 DP 828862 and Lot 74 DP 841709 Castlefield Drive, Murwillumbah.
2. All necessary documentation be completed under the Common Seal of Council.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

13 [EO] Proposed "Totally Wicked" Youth Event

666 RESOLUTION:

**Cr B J Carroll
Cr S M Dale**

RESOLVED that Council indicates its acceptance of the proposal to participate in the "Totally Wicked" tour for youth, scheduled for 4 January 2005. The event is to be held at the Tweed Coast Skate Park, Cabarita.

FOR VOTE - Unanimous

14 [EO] Draft Development Control Plan No. 5 - Development of Flood Liable Land

667 RESOLUTION:

**Cr R D Brinsmead
Cr J F Murray**

RESOLVED that: -

1. Council defers decision on "Draft Development Control Plan No.5 – Development of Flood Liable Land".
2. A Councillor workshop, presented by Council officers, be scheduled for November 2004, subject to the receipt of the final Flood Study Report from WBM Oceanics, to inform Council of the findings of that report.
3. Following the workshop, Council selects specific floodplain development scenarios for Chinderah for input into the new Flood Model.
4. Council recognises the need to remove any uncertainties and provide definitive direction for development in the Chinderah locality in a timely manner.
5. Council acknowledges the risk management process outlined in the 2001 NSW Floodplain Management Manual, and recognise that major amendments to development controls outlined in DCP5 made prior to the preparation of a Floodplain Risk Management Plan may be contrary to this process.

FOR VOTE - Unanimous

15 [EO] Skate Park - Tweed Heads

668 RESOLUTION:

**Cr J F Murray
Cr D M Holdom**

RESOLVED that Council:-

1. Confirms a commitment of \$75,000 to the construction of a skate facility in the Tweed Heads/Banora Point area.

2. Seeks public comment on the proposal to locate the facility on Lot 519 DP 755740 being Community land located on the corner of Minjungbal Drive and Heffron Street, South Tweed Heads.

FOR VOTE - Unanimous

16 [EO] Application to Close & Purchase Part of Pathway between Charles Street and Adelaide Street, Tweed Heads

669 RESOLUTION:

**Cr H James
Cr L F Beck**

RESOLVED that Council:

1. Objects the closure of the pathway between Lots 494 and 495 in DP 755740 on Adelaide Street, Tweed Heads;
2. Advises the Department of Lands in writing that it does object to the closure of the pathway; and
3. Seeks the transfer of the Crown Road to Council pursuant to s151 of the Roads Act, 1993.

FOR VOTE - Unanimous

17 [EO] Kingscliff Sewage Treatment Plant Upgrade: Status Report

670 RESOLUTION:

**Cr J F Murray
Cr M R Boyd**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

18 [EO] Tweed Shire Council and Maji Na Ufanisi Mentoring Program

671 RESOLUTION:

**Cr M R Boyd
Cr D M Holdom**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

19 [EC] Future Use of Old Art Gallery Building

672 RESOLUTION:

**Cr B J Carroll
Cr M R Boyd**

RESOLVED that:

1. Council dedicates the use of the Old Art Gallery in Tumbulgum Road, Murwillumbah to a shared multi-purpose use for the period July 2005 to June 2007 including:
 - A focus and exhibition space for Tweed Shire museums
 - An exhibition and workshop space that will assist in sustaining the outcomes of the Fifth City of the Arts Program post June 2005.
2. The shared use between the two parties be negotiated at an operational level with an emphasis on achieving equitable and effective working arrangements between the two cultural functions.
3. In the two year period seeks further public input (including the input of Council's Cultural Advisory Committee) to identifying the capacity for further community and cultural use supported by a business plan to be brought back to Council for its consideration during this period.

AMENDMENT

**Cr R D Brinsmead
Cr G J Lawrie**

PROPOSED that Council dedicates the use of the Old Art Gallery in Tumbulgum Road, Murwillumbah for a focus space for the museums for the period July 2005 to June 2007.

The Amendment was **Lost**

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell

AGAINST VOTE - Cr Polglase, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

The Motion was **Carried**

FOR VOTE - Cr Polglase, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

AGAINST VOTE - Cr Murray, Cr Brinsmead

20 [EC] Request to Install Unregistrable Moveable Dwelling

673 RESOLUTION:

**Cr M R Boyd
Cr D M Holdom**

RESOLVED that:

1. Council refuses the request to install an unregistrable moveable dwelling in the Drifters Van Village.
2. Council officers prepare a report on the potential of moving unregistrable moveable dwellings to other Parks in the Shire.

FOR VOTE - Unanimous

21 [EC] Compulsory Desexing of Animals Sold from Council's Dog and Cat Impounding Facility

674 RESOLUTION:

**Cr D M Holdom
Cr L F Beck**

RESOLVED that: -

1. A dog or cat which is to be sold to a new owner from the Council Pound facility shall be desexed prior to sale.
2. This policy shall not be applicable to a cat or dog which is being released or returned to its existing owner.
3. An applicant may obtain certification from a Council appointed Vet to allow for the purchase of a purebred animal which does not have to be desexed so that the animal can be available for breeding.

FOR VOTE - Unanimous

22 [EC] Dog Off Leash Exercise Area - Wooyung Beach

675 RESOLUTION:

**Cr J F Murray
Cr G B Bell**

RESOLVED that Council maintains the existing off leashed exercise areas on beaches as the current balance of leashed and unleashed dog area facilitates the current public need.

AMENDMENT

**Cr M R Boyd
Cr S M Dale**

PROPOSED that Council incorporates a 500m buffer zone between the off leash area and both Billinudgel and Wooyung Nature Reserves.

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting at 05:18 PM

The Amendment was **Lost**

FOR VOTE - Cr Holdom, Cr Boyd, Cr Dale, Cr Lawrie,

**AGAINST VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell,
Cr Carroll, Cr James**

The Motion was **Carried**

**FOR VOTE - Cr Polglase, Cr Murray, Cr Beck, Cr Bell, Cr Holdom, Cr James,
Cr Carroll**

AGAINST VOTE -, Cr Boyd, Cr Dale, Cr Lawrie

ABSENT, DID NOT VOTE - Cr Brinsmead

RETURN TO MEETING

Cr Brinsmead returned to the meeting at 05:21 PM

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

TEMPORARY ABSENCE FROM MEETING

Cr Dale left the meeting.

[TRC] Minutes of the Tweed River Committee Meeting held Wednesday 11 August 2004

676 RESOLUTION:

Cr M R Boyd

Cr H James

RESOLVED that the Minutes of the Tweed River Committee be adopted with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr Dale

[TRC] Gold Coast Airport - Comments on Draft Airport Environment Strategy Airport - Coolangatta/Tweed; Environment Protection

677 RESOLUTION:

Cr M R Boyd

Cr H James

RESOLVED that this item be referred to the Director Environment and Community Services for assessment of requirements prior to a further report to Council.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Dale

RETURN TO MEETING

Cr Dale returned to the meeting.

Minutes Circulated with this Agenda Not Requiring Resolution

678 RESOLUTION:

Cr M R Boyd

Cr H James

RESOLVED that this item be received and noted.

FOR VOTE - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Cobaki Broadwater

NOTICE OF MOTION:

Cr M R Boyd
Cr H James

PROPOSED that:

1. Council staff undertakes a field inspection in company with Gold Coast Airport Limited staff, of the various drains which empty into the Cobaki Broadwater.
2. This inspection be followed up by a systematic water sampling program to ascertain the quality of water flowing from these drains into the Cobaki Broadwater.
3. A report on the results of the inspection and water quality testing be provided to Council with a plan showing the position of the drains.

The Motion was **Lost**

FOR VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

AGAINST VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie

2 [NOM] Public Toilet at Tumbulgum

NOTICE OF MOTION:

679 RESOLUTION:

Cr G J Lawrie
Cr L F Beck

RESOLVED that a report be prepared as to the feasibility of making available the funds for the construction of bollards on the riverfront at that village, and for the completion of a footpath on the residential side of Riverside Drive.

TEMPORARY ABSENCE FROM MEETING

Cr Beck left the meeting.

FOR VOTE – Unanimous
ABSENT, DID NOT VOTE - Cr Beck

3 [NOM] River Foreshore at Chinderah

NOTICE OF MOTION:

680 RESOLUTION:

Cr G J Lawrie
Cr G B Bell

RESOLVED that a report be prepared on possible ways to beautify and enhance the river foreshore at Chinderah.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr Beck

ITEM MOVED FROM CONFIDENTIAL TO ORDINARY

1 [PE] Tweed Heads Ministerial Taskforce

681 RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that this item be deferred to allow Council to Workshop this matter.

FOR VOTE - Unanimous

WORKSHOPS

Nil.

QUESTION TIME

[QT] Sale of Land at Cabarita

Cr H James

Asked is the proposal to advertise the sale of Council land at Cabarita for only one week from 14 September to 21 September correctly reported in the Tweed Link? If so, could the exhibition period be extended to four weeks in all?

The Acting General Manager replied that the intention was to provide a hotline service for one week only and that a report be presented to Council following the close of the 28 day exhibition period.

RETURN TO MEETING

Cr Beck returned to the meeting.

PRESENTATION

A presentation to was made to Council's Environmental Scientist, Karen Cranney, who is undertaking a further step in the Council mentoring program with Maji Na Ufanisi in Kenya.

COMMITTEE OF THE WHOLE

682 RESOLUTION:

Cr L F Beck
Cr G B Bell

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

FOR VOTE - 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 PLANNING & ENVIRONMENT IN COMMITTEE

1 [PE] Tweed Heads Ministerial Taskforce

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

This item was dealt with at minute No 681 of the Ordinary Agenda.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

Nil.

TEMPORARY ABSENCE FROM MEETING

Cr Dale and Cr Carroll left the meeting.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO] EC2004-132 Supply and Laying of Asphaltic Concrete at Various Locations

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 143 RESOLUTION:

That: -

1. Pioneer Road Services Pty Ltd be awarded the contract for the Supply and Laying of Asphaltic Concrete at various locations with a GST exclusive price of \$546,704.54.
2. The Director Engineering and Operations be given delegated authority to approve variations up to \$100,000 above the initial contract price.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Carroll, Cr Dale

3 [EO] Outdoor Dining Licence Agreement - "Shell's on Broadway" previously "Pavlo's Cafe" Wharf Street, Murwillumbah

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 144 RESOLUTION:

That:

1. Council agrees to provide a portable timber dining platform for "Shell's on Broadway", Main Street, Murwillumbah; and
2. Council and Mr Tony Leape, the proprietor of "Shells' on Broadway", enter into a renewable yearly licence agreement for \$1,673.00 per annum.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Carroll, Cr Dale

4 [EO] Licence Agreement - Boyds Bay Bridge - Tweed River Boat Hire

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 145 RESOLUTION:

That:-

1. Council approves entering into a Licence Agreement with Mr Peter Arnerich for a period of five (5) years for the area of unused road reserve adjacent to the southern approaches to the Boyds Bay Bridge at Tweed Heads;
2. A valuation be obtained from the State Valuation Office, at the cost of the applicant, to ascertain the current market rental payable; and
3. All necessary documentation is endorsed under the common seal of Council.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Carroll, Cr Dale

5 [EO] EC2004-126 Kingscliff STP: Consultancy for Design, Documentation and Associated Services

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 146 RESOLUTION:

That: -

1. Council accepts the tender from GHD Pty Ltd for EC2004-126 Kingscliff STP: Consultancy for Detailed Design, Documentation and Associated Services for the fixed fee amount of \$703,150 (exclusive of GST) and allows for payment of up to \$200,000 (exclusive of GST) for the specified 'rate only' activities.
2. All documentation is to be completed under the Common Seal of Council.
3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price plus the allowance for 'rate only' activities up to a maximum total variation amount of \$100,000.
4. Council votes the expenditure.

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Holdom, Cr Boyd, Cr James

AGAINST VOTE - Cr Lawrie

ABSENT. DID NOT VOTE - Cr Carroll, Cr Dale

683 RESOLUTION:

**Cr M R Boyd
Cr H James**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 5.56pm.



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 30 of these Minutes

Chairman