

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 Dr John Griffin (General Manager), Mr Peter Brack (Acting Executive Manager-Office of the General Manager), Mr Mike Rayner (Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mrs Meredith Smith (Administrative Officer) and Miss Alyson Morgan (Minutes Secretary).

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Father Harry Reuss.

“O Holy Spirit of God, we ask for your guidance at our Shire Council Meeting today. May each member of Council exercise their responsibilities wisely and prayerfully, and may the decisions of the Council be in accordance with your will and for the extension of you Kingdom, through Jesus Christ our Lord.”

Amen.

A PRAYER OF REMEMBRANCE

“O God, our rule and guide, In whose hands are the destinies of this and every nation, we give you thanks for the freedoms we enjoy in this land and for those who laid down their lives to defend them: We pray that we and all the people of Australia, gratefully remembering their courage and their sacrifice, may have grace to live in a spirit of justice, of generosity and of peace: through Jesus Christ our Lord, who lives and reigns with you and the Holy Spirit, one God, for ever and ever.

Amen.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held Wednesday 3 November 2004

790 RESOLUTION:

Cr G B Bell
Cr L F Beck

RESOLVED that the Minutes of the Council Meeting held Wednesday 3 November 2004 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

791 RESOLUTION:

**Cr G B Bell
Cr L F Beck**

RESOLVED that this item be received and noted.

FOR VOTE - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Banora & Tweed Reclaimed Water Management

4 November – attended Banora & Tweed Reclaimed Water Management Strategy Options Evaluation Workshop at Tweed Civic Centre

2. Bilambil Tennis Club

5 November – Bilambil Tennis Spectacular at Tweed Bowls Club

3. Murwillumbah Show

6 November – Opening of Murwillumbah Show

4. St Joseph's College

7 November – Opening & Solemn Blessing of Stage 7 St. Joseph's College and Stage 3 St. James Primary School by Ian Causley

5. 2004 Share Christmas Gift Appeal

8 November – Cr. Beck attended launch of the 2004 Share Christmas Gift Appeal at Murwillumbah on my behalf

6. Citizenship Ceremony

9 November – conducted Citizenship Ceremony at Tweed Heads (8 conferees)

7. Remembrance Day

11 November – laid wreath at War Memorial Civic Park Murwillumbah

8. NOROC

12 November – AGM and Ordinary Meeting of NOROC at Ballina

9. TEDC

12 November – TEDC AGM and Christmas Party at Greenhills

10. Greenhills Lodge

13 November – 25 Anniversary celebrations at Greenhills Lodge Murwillumbah

11. Southern Cross University

13 November – SCU Lismore 10 Birthday Reception & Concert

12. Tweed River Festival

15 November – Presentation prize School Poster Competition at Murwillumbah

13. Cabarita Residents Association

16 November – Meeting with GM & DECS and representatives of Cabarita Residents Association

14. Sports Advisory Committee

16 November – Meeting of Sports Advisory Committee at Tweed Heads

INVITATIONS ACCEPTED:

- 18 November – Official opening of Local Govt. Human Resources Conference at Twin Towns
- 18 November – Official naming of Skinner Lowes Wharf at Murwillumbah
- 18 November – Family Centre Community Projects Management AGM at South Tweed
- 19 November – Mt St Patrick College Year 12 Formal at Murwillumbah
- 21 November – Tweed River Festival Jack Evans Boat Harbour
- 23 November – Tweed Reclaimed Water Management Strategy Options Evaluation Workshop
- 26 November – TEDC Board Meeting (Gold Coast Airport)

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 of Queensland – Australasian Local Government Technology & Innovation Expo **1-3 December 2004** Gold Coast

792 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute as presented by adopted.

FOR VOTE - Unanimous

Council's Condolences - The Late Sue Robbins, former Councillor of Gold Coast City Council

793 RESOLUTION:

**Cr M R Boyd
Cr L F Beck**

RESOLVED that Council sends its condolences to the family of the Late Sue Robbins, former Councillor of the Gold Coast City Council.

FOR VOTE - Unanimous

ITEMS DEFERRED

[ID] [PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA04/1100) for a Proposed Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point

794 RESOLUTION:

**Cr H James
Cr D M Holdom**

RESOLVED that this item is dealt with in conjunction with Item 1 of this agenda (Minute No 1054 refers).

FOR VOTE - Unanimous

[ID] [EO] Draft Tweed Estuary Boating Plan of Management

795 RESOLUTION:

**Cr L F Beck
Cr J F Murray**

RESOLVED that Council submits the attached Report to the NSW Maritime Authority as the Tweed River Committee and Tweed Shire Council submission to the Draft Tweed Estuary Boating Plan of Management. With the specific recommendations of:

1. A 40knot upper speed limit be adopted on the Rous River in line with the rest of the estuary (outside of the 4knot zone for the first 800 metres from the confluence with the Tweed River).
2. Maintaining the status quo in respect to water skiing and wakeboarding.
3. That the Tweed River Awareness Committee be encouraged to self regulate in consultation with the NSW Marine Authority.

AMENDMENT 1

Cr H James
Cr M R Boyd

PROPOSED that Council submits the attached Report to the NSW Maritime Authority as the Tweed River Committee and Tweed Shire Council submission to the Draft Tweed Estuary Boating Plan of Management. With the specific recommendations of:

1. A 4knot upper speed limit be adopted on the Rous River in line with the rest of the estuary (outside of the 4knot zone for the first 800 metres from the confluence with the Tweed River).
2. That towing activities be removed from the estuary from Condong Bridge upstream to Bray Park Weir.

TEMPORARY ABSENCE FROM MEETING

Cr Polglase left the meeting at 03:25 PM and the Deputy Mayor, Cr Beck took the Chair.

796 RESOLUTION:

Cr B J Carroll
Cr H James

RESOLVED that an extension of 3 minutes be granted to Cr M R Boyd.

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Bell, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

AGAINST VOTE - Cr Beck, Cr Lawrie

ABSENT. DID NOT VOTE - Cr Polglase

Cr Polglase has returned from temporary absence at 03:43 PM and presumed the Chair.

Amendment 1 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

AMENDMENT 2

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

PROPOSED that the: -

1. Maritime Authority be requested to defer adoption of the Tweed River Boating Plan of Management to allow for an independent and comprehensive survey to be undertaken of all property owners who adjoin or are adjacent to the Tweed River and who would be most affected by the range of activities carried out on the river and;
2. Survey form be compiled and collected by a professional consultancy such as the Australian Bureau of Statistics.

Amendment 2 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

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

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA04/1100) for a Proposed Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point

797 RESOLUTION:

**Cr H James
Cr G J Lawrie**

RESOLVED that provided Telstra agrees to provide power to the facility underground only: -

1. Council informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan 2000 to amend Schedule 3 of the LEP to enable the construction of a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point.
2. Council advises the Director-General that it does not consider a Local Environmental Study to be needed.
3. The Director-General of the Department of Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.

AMENDMENT

Cr L F Beck
Cr R D Brinsmead

PROPOSED that: -

1. Council informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan 2000 to amend Schedule 3 of the LEP to enable the construction of a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point.
2. Council advises the Director-General that it does not consider a Local Environmental Study to be needed.
3. The Director-General of the Department of Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.

The Amendment was **Lost**

FOR VOTE - Cr Polglase, Cr Brinsmead, Cr Beck

AGAINST VOTE - Cr Murray, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

The Motion was **Carried**

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

2 [PE] Draft DCP No. 9 – West Kingscliff (Amendment 3) as Requested within DA04/1331 for a Supermarket Based Shopping Centre Comprising 5850m2 of Gross Floor Area & 243 On Site Parking Spaces at Lot 12 DP871753 & Lot 13 DP871753 Turnock Street, Kingscliff

798 RESOLUTION:

Cr G J Lawrie
Cr G B Bell

RESOLVED that: -

1. To facilitate the efficient determination of a Development Application (which requires a major amendment to a Development Control Plan) as a matter of policy, Council delegates to the Director of Planning and Environment the authority to place on exhibition (as considered necessary) a proposed amendment to the relevant Development Control Plan. Such exhibition does not indicate Council's support of the application, as the final determination of both the Amendment and the Development Application will be made by Council following consideration of public submissions.
2. In accordance with recommendation 1 Council resolves to place the amendments to Development Control Plan No. 9 – West Kingscliff (Amendment No. 3), proposed by DA04/1331, on public exhibition for 28 days in accordance with the Environment Planning and Assessment Regulation 2000. The exhibition of the draft Development Control Plan No. 9 is to occur in conjunction with the public exhibition of DA04/1331.

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

- 3 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 51 -
Reclassification of Land at Rosewood Avenue, Bogangar, to Operational
Land

799 RESOLUTION:

Cr G J Lawrie
Cr G B Bell

RESOLVED that in accordance with Section 68 of the Environmental Planning & Assessment Act 1979, Draft Tweed Local Environmental Plan, Amendment No 51, be forwarded without amendment to the Director of the Department of Infrastructure, Planning & Natural Resources for a report to the Minister under Section 69 of the Act.

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

- 4 [PE] Proposed Rezoning - Seabreeze Estate, Pottsville

800 RESOLUTION:

Cr H James
Cr S M Dale

RESOLVED that this matter be deferred in order that Council staff can clarify the proposal and negotiate contributions that should be made for the public benefit as part of the rezoning.

FOR VOTE - Unanimous

- 5 [PE] Tweed Shire Social Plan 2005-2009 - Adoption Following Exhibition

801 RESOLUTION:

Cr B J Carroll
Cr D M Holdom

RESOLVED that Council:

1. Adopts the exhibited Tweed Shire Social Plan 2005-2009, as amended following its exhibition, for forwarding to the Department of Local Government prior to 31 November 2004.

2. Further considers the Quality of Life Program that will be presented by the Executive Management Team for inclusion in the Management Plan and Budget for 2005, and subsequent years to 2009.

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

AGAINST VOTE - Cr Brinsmead, Cr Beck

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

6 [OGM] Regional Co-ordination Agreement - Southern Regional Organisation of Councils

802 RESOLUTION:

**Cr B J Carroll
Cr J F Murray**

RESOLVED that:

1. Council remains a member of the Southern Regional Organisation of Councils.
2. The Regional Co-ordination Agreement be executed under the Common Seal of Council

FOR VOTE - Unanimous

7 [OGM] Rural Villages Development (RVD) Program 2004-2005

803 RESOLUTION:

**Cr J F Murray
Cr B J Carroll**

RESOLVED that the following applications for funding under the Rural Village Development (RVD) Program for 2004/2005 be approved: -

Uki Village & District Residents Association	\$16,600
Tyalgum District and Community Association	\$ 6,500
Stockers Siding Community Association	\$ 4,020
Chillingham Community Association	\$16,122
Kunghur Hall Committee	\$ 2,500
Mooball Movers Inc	\$15,000
Crabbes Creek	\$ 6,000
Chinderah Community Association	\$15,000
Fingal Community Association	\$15,000

FOR VOTE - Unanimous

8 [OGM] Monthly Investment Report for Period Ending 31 October 2004

804 RESOLUTION:

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

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

9 [OGM] Council Vehicle Accident Reports (1 April 2004 to 30 September 2004)

805 RESOLUTION:

**Cr J F Murray
Cr L F Beck**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

10 [EO] Classification of Land

806 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that: -

1. The land proposed to be transferred to Council as sewerage pumping station, described as proposed Lot 469 in the plan of subdivision of Lot 228 in DP 1069887 at South Kingscliff be classified as Operational under section 31 of the Local Government Act, 1993.
2. All necessary documentation to be executed under the Common Seal of Council.

FOR VOTE - Unanimous

11 [EO] Table of Council Land Classified as Operational

807 RESOLUTION:

Cr M R Boyd
Cr S M Dale

RESOLVED that the table of Council lands classified as "Operational" be received and noted.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Annual Agreement for Surf Life Saving Services

808 RESOLUTION:

Cr M R Boyd
Cr G B Bell

RESOLVED that: -

1. Council accepts the quotation provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services over Christmas 2003/2004 and Easter 2005 at the contract price of \$113,807.80 excluding GST), as outlined in this report without calling tenders as per Section 55(3) of the Local Government Act 1993, for the following reasons:-
 - When Council sought a quotation from Surf Life Saving Services Pty Ltd it was anticipated the contract would be less than \$100,000;
 - Council is not aware of any other organisation geared up to provide the service;
 - There is now not sufficient time to call tenders before the service is required.
2. All necessary documentation be executed under the common seal of Council.
3. Council votes the additional funds.
4. The additional cost be listed for inclusion in the December 2004 quarterly budget review.
5. A full review of the service be undertaken at the end of the 2004-2005 season with a view to determining the service to be funded in the future, the possibility of other providers being attracted to tender and the advantage of letting a long term contract of say 3 years.

FOR VOTE - Unanimous

13 [EC] Naming of Area Location and Council's Community Facility on Woodlands Drive, Banora Point

Cr J F Murray
Cr L F Beck

PROPOSED that Council names: -

1. The location of the area associated with the three buildings as the "*Barbara Nowland Community Park*".
2. The Council facility as "*The Banora Point Multi Purpose Centre*".

809 AMENDMENT

Cr M R Boyd
Cr H James

RESOLVED that Council names: -

1. The location of the area associated with the three buildings as the "*Banora Point Community Park*".
2. The Council facility as "*The Banora Point Multi Purpose Centre*".

The Amendment was **Carried**

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

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

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

14 [EC] Request for "In Kind" Support/Waive Fee

810 RESOLUTION:

Cr H James
Cr M R Boyd

RESOLVED that Council approves the following requests: -

Organisation	\$ Amount Of fee
Wollumbin High School	\$40.00
Working Party - Northern Disability Council	\$58.00

FOR VOTE - Unanimous

15 [EC] Entomological Control Report for period August to October 2004

811 RESOLUTION:

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

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday, 21 October 2004

812 RESOLUTION:

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

RESOLVED that the Minutes of the Tweed Shire Council Disability Access Committee be adopted with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous

[SUB-TAC] 6. Tweed Valley Way, Murwillumbah South

813 RESOLUTION:

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

RESOLVED that the matter be referred to the Director Engineering & Operations for investigation and advice back to Council and the Committee.

FOR VOTE - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Cabarita Surf Life Saving Club

NOTICE OF MOTION:

814 RESOLUTION:

**Cr G J Lawrie
Cr J F Murray**

RESOLVED that Council places the following conditions on its continued support of the Cabarita Surf Life Saving Club (CSLSC): -

1. CSLSC can reasonably demonstrate to Council that it can build a surf club within any applicable guidelines of, and acceptable to, Surf Lifesaving NSW;
2. It can be built within budget;

3. It's costing is supported by a reputable, qualified quantity surveyor;
4. Its construction is supported by a reputable builder who will commit to construct and finish the clubhouse by December 2005; and
5. The Clubhouse will be operational by December 2005.

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

a1 [NOM] "Wintersun" Festival - Donation to Election Funding

NOTICE OF MOTION:

Cr B J Carroll
Cr D M Holdom

PROPOSED that the General Manager seeks further information to clarify the supposed donation of \$1,000 from the Wintersun Festival as advised by the State Electoral Funding Authority.

AMENDMENT

Cr M R Boyd
Cr S M Dale

PROPOSED that Council lodges a formal complaint with the State Electoral Funding Authority regarding the donation of \$1,000 from the Wintersun Festival.

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

Cr M Boyd withdrew the amendment with the permission of his seconder.

Cr B Carroll withdrew the proposed motion with the permission of her seconder

Cr L F Beck
Cr J F Murray

PROPOSED a motion of censure against Councillors Carroll and Dale.

Cr L Beck withdrew the censure motion.

WORKSHOPS

Nil.

QUESTION TIME

1 Modification requested by Salt

Cr M R Boyd

Asked how can the modification requested by Salt which seeks to more than double the density of its development in the lots described in the advert in the Tweed Link issue of 9 November 2004 be classed as a Section 96 application.

The General Manager answered that this has been referred to the Director Planning & Environment to provide a response at the Council Meeting of 1 December 2004.

2 Pedestrian/Cycle Linkage

Cr S M Dale

Commented a pedestrian/cycle linkage has recently been factored into the SALT development, linking it with Kingscliff. The Pottsville Community Association is concerned that such links be prioritised on a needs basis and they have asked that if Council plans to construct such a link or links on the Tweed Coast then the obvious and existing need is to connect Seabreeze Estate with the Pottsville village, so should it be the highest priority.

The General Manager responded that a RTA grant of \$150K (approx) has been provided for the linkage of SALT to Kingscliff as part of the NSW Coastal Project. The Seabreeze/Pottsville would not have complied with the conditions but the Director of Engineering & Operations can advise by memo of Council's programs in respect of Pedestrians/Cycleways.

3 Pandanus Parade Cabarita - Development Process

Cr H James

Asked is it not the case that:

It is within the power of Council to approve development inconsistent with the covenants restricting use of Council's land at Pandanus Parade to public car-parking (by the provisions of Section 28 of the Environmental Planning and Assessment Act 1979 and Clause 56 of Tweed LEP 2000).

The Courts would be highly unlikely to award damages to the owners of the benefit of the covenants even if development inconsistent with the covenants was approved and constructed without their consent.

Accordingly, no consideration needs to be given to the existence of the covenants in determining a market price for the land.

The General Manager responded that correspondence regarding the covenants has today been provided by Councils' legal advisors and I have made arrangements for that to be provided to Councillors. If this information is considered by Councillors to be insufficient to address this question, further reference will be made to Councils' legal advisors.

4 Rezoning of Land East of Tweed Coast Road

Cr D M Holdom

Asked have Council staff and/or Councillors received an approach for a rezoning of land east of Tweed Coast Road between the traffic lights and Depot Road.

The General Manager responded that the new owner of a property in this location has recently met with the Mayor, General Manager and Acting Director Planning & Environment advising of the purchase and advising that he was going to undertake studies and the like to support an application for rezoning.

5 Staff response - Tyalgum Road

Cr L F Beck

Asked can I thank Mr Rayner for his speedy response of a potentially dangerous road problem on Tyalgum Road. Good work Mike.

The General Manager responded yes.

COMMITTEE OF THE WHOLE

815 RESOLUTION:

Cr G B Bell
Cr J F Murray

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 ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] EC2004-117 Supply of Manual Traffic Control Teams for Council Works

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 180 RESOLUTION:

That: -

1. Traffic Services Australia Pty Ltd be awarded Contract EC2004-117 to provide Manual Traffic control Teams. The contract period to be for a twelve (12) month period with a possible further twelve (12) month option.
2. The viability of Council providing its own traffic control operational area be fully investigated. Depending on the outcome of the investigation a decision to be made as to whether to take up the twelve (12) month contract extension or to establish a Council controlled traffic control operational area.

FOR VOTE - Unanimous

2 [EO] Condong Cogeneration Facility Water Supply Agreement

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 181 RESOLUTION:

That Council agrees to enter the attached "Water Supply Agreement" with Sunshine Renewable Energy Pty Ltd (Sunshine Sugar) and Delta Electricity Australia Pty Ltd and signs the agreement under Common Seal of Council subject to resolution of the following issues to the satisfaction of the Director Engineering and Operations and Councils Solicitors: -

1. Clause 8.1 (e)(3)
2. Clause 8.3
3. Clause 8.8 (c)
4. Technical Review undertaken by the SKM on behalf of the Joint Venturers

FOR VOTE - Unanimous

3 [EO] Naming of Right of Carriageway (ROC) at Bilambil Heights

REASON FOR CONFIDENTIALITY:

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

- (a) personal matters concerning particular individuals (other than councillors)

c 182 RESOLUTION:

That Council approves replacing the existing signage with the following:-

"PRIVATE ROAD

Access: 8 -10 Snowgum Drv

Access: 2 - 14 Fir St"

FOR VOTE - Unanimous

4 [EO] Land Acquisition for Road Purposes - Lot 21 in DP 858801 - Kirkwood Road, Tweed Heads

REASON FOR CONFIDENTIALITY:

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

- (a) personal matters concerning particular individuals (other than councillors)

c 183 RESOLUTION:

That: -

1. Council approves entering into an Agreement for the Sale of Land with Mr Robert Sullivan for the purchase of Lot 21 in DP 858801 for the sum of **\$300,000.00**;
2. Lot 21 in DP 858801 be dedicated as road following completion of the purchase;
3. Council votes the expenditure;
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE

5 [EC] HQ2003-158A Stotts Creek Inert Landfill Facility - Containment Cell

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 184 RESOLUTION:

That the Director Environment and Community be given delegated authority to approve further variations up to 10% of the total contract price.

FOR VOTE - Unanimous

LATE ITEM

c 185 RESOLUTION:

That Item a5 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

DECLARATION OF INTEREST

Cr Carroll declared an Interest in this item, left the Chamber at 08.15 PM and took no part in the debate or voting. The nature of the interest is that Cr Carroll is a member of a community agency which has a potential interest in the subject item.

a5 LATE [EC] Submission of Tender for Kangia Steiner School Premises

c 186 RESOLUTION:

That:

1. The General Manager be delegated to submit a tender for the purchase of the Kangia Steiner School within the range contained in the report.
2. All necessary documentation is executed under the Common Seal of Council; and
3. Should the tender be successful and the purchase of the property proceed, that the land be classified as operational upon completion under the provisions of the Local Government Act, 1993.

AMENDMENT

That: -

1. The General Manager be delegated to submit a tender for the purchase of the Kangia Steiner School up to the figure in the valuation referred to in the report.
2. All necessary documentation is executed under the Common Seal of Council; and

3. Should the tender be successful and the purchase of the property proceed, that the land be classified as operational upon completion under the provisions of the Local Government Act, 1993.

The Amendment was **Lost**

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

FOR VOTE - Cr Lawrie

ABSENT. DID NOT VOTE - Cr Carroll

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

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

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

ABSENT. DID NOT VOTE - Cr Carroll

816 RESOLUTION:

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 8.50pm.



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 25 of these Minutes

Chairman

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