

## 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 Reg Norvill (Executive Manager-Office of the General Manager), Mr Mike Rayner (Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Ian Percy (Acting Director Environment & Community), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

## PRAYER

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

*'Lord, Creator of all, excuse our impatience, but we do give thanks for the rain that gently but greatly fell in our area. We know we get impatient, for your time is more extensive than ours.*

*We pray that the Holy Spirit will strengthen those who are still drought stricken in our own country and other countries in the world. Enable us to share and work together and help one another; help us hear and obey Christ's command - 'Love one another'.*

*Lord, as a Council we have many difficult decisions; give us clear minds so that we can make clear decision, and we pray give us your blessing today.*

*May Jesus, the Lord of peace give us peace at all times and in all ways.*

*Amen"*

## CONFIRMATION OF MINUTES

### Minutes of the Ordinary Council Meeting held 6 October 2004

#### 226 RESOLUTION:

**Cr G B Bell**  
**Cr G J Lawrie**

**RESOLVED** that the Minutes of the Council Meeting held 6 October 2004 be adopted as a true and accurate record of proceedings of that meeting.

#### ***FOR VOTE - Unanimous***

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**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**

**227 RESOLUTION:**

Cr G J Lawrie  
Cr G B Bell

**RESOLVED** that this item be received and noted.

***FOR VOTE - Unanimous***

**MAYORAL MINUTE**

**228 RESOLUTION:**

Cr W J Polglase

**RESOLVED** that the Mayoral Minute as presented be adopted.

***FOR VOTE - Unanimous***

**ITEMS FOR CONSIDERATION ARISING FROM MAYORAL MINUTE**

**Christmas Function for Senior Staff and Councillors - 18 December 2004**

**229 RESOLUTION:**

**Cr W J Polglase  
Cr L F Beck**

**RESOLVED** that 18 December 2004 be endorsed as the date for the Christmas Function for Councillors and staff.

***FOR VOTE - Unanimous***

**2004 Coastal Conference**

**230 RESOLUTION:**

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

**RESOLVED** that Cr James be authorised to attend the 2004 Coastal Conference to be held on 10-12 November 2004 at Lake Macquarie.

***FOR VOTE - Unanimous***

**ITEMS DEFERRED**

Nil.

## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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

#### 231 RESOLUTION:

Cr L F Beck  
Cr G J Lawrie

**RESOLVED** that Development Application DA04/0596 for a workshop and machinery storage shed at Lot 1 DP 874316, Piggabeen Road Tweed Heads be approved subject to the following conditions: -

#### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos CURM 12564 Sheets 1-5 prepared by Steelway Buildings and dated 23/09/2004 and the unnumbered internal layout plan (as submitted with the Development Application), except where varied by these conditions.
2. Front external wall of the building is to stand a minimum of 25 metres from the front boundary of the property. [GEN0010]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0080]
4. The erection of a building in accordance with a development consent must not be commenced until: [GEN0120]
  - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [GEN0150]
5. The proposed workshop and storage shed is NOT to be used for any human habitation. The proposed structure is to be used as a workshop and storage shed ancillary to the use of the site as a golf driving range only.

[GENNS01]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
  - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- [PCC0320]
7. An on-site sewage management system design and report to the satisfaction of the DECS shall be submitted prior to the release of the CC.
8. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act, 1993.
9. The Lodgement of Tweed Shire Councils Approval to Install an On-site Sewage Management System application and associated fees.
10. An approval to install an On-site Sewage Management System must be gained prior to issue of a construction certificate.

[PCCNS01]

**PRIOR TO COMMENCEMENT OF WORK**

11. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
- [PCW0060]
12. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0070]
13. 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.
- [PCW0090]
14. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

- [PCW0190]
15. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

#### **DURING CONSTRUCTION**

16. 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).

[DUR0010]
17. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR0080]
18. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0130]
19. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0170]
20. Rainwater must be disposed of to absorption/distribution trenches, positioned and constructed no closer than 3m to any building and below any effluent disposal area; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR0180]
21. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

[DUR0200]
22. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[DUR0680]
23. 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.

[DUR0870]
24. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]
25. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0910]

26. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.

[DUR0930]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

27. 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 and conditions of Consent.

[POC0020]

28. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0030]

29. An approval to operate any OSMS is to be obtained prior to the occupation certificate being issued.

30. A roof catchment water supply source shall be provided where a Council reticulated supply is unavailable. Any domestic water supply roof collection system is to be fitted with a first flush device. Minimum storage tank capacity shall reflect the dry seasonal periods experienced with the locality and shall be separate to any fire fighting requirements stipulated by the NSW Rural Fire Services.

31. Prior to the occupation certificate being issued a Spillage Management Plan to the satisfaction of Council's DECS shall be compiled and implemented.

[POCNS01]

**USE**

32. 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.

[USE0160]

**FOR VOTE - Unanimous**



**2 [PE] Development Application DA03/1578 for a Shopping Centre at Lot 123 DP 1049552 Botanical Circuit, Banora Point**

**232 RESOLUTION:**

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

**RESOLVED** that this matter be deferred pending an amended report and a further application.

***FOR VOTE - Unanimous***

**Cr H James  
Cr M R Boyd**

**PROPOSED** that the Director Planning & Environment provides a report to Council regarding as to whether it is more appropriate that the current application be refused and a new application be lodged in order that Council may collect the appropriate assessment fees for a new application.

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***

**3 [PE] Tweed 04/24 Strategic Plan**

**233 RESOLUTION:**

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

**RESOLVED** that:

1. Council adopts Tweed 4/24 Strategic Plan as presented in this Report.
2. Council acknowledges the considerable contribution provided by the Members of the Tweed Futures Steering Committee in successfully completing this project.
3. A report be presented to Council setting out the Membership and Constitution for the Expert Advisory Panels nominated in the Plan, together with the ongoing role for the Tweed Futures Steering Committee.

4. Council notes the priority actions for 2004/05 and considers the commitment of necessary resources in the 2005/06 budget.

***FOR VOTE - Unanimous***

- 4 [PE] Development Application DA02/1423.09 for an amendment to Development Consent DA02/1423 for the Erection of a Tourist Resort (Outrigger) and 2 Lot Stratum Subdivision at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road, Kings

**234 RESOLUTION:**

**Cr M R Boyd  
Cr H James**

**RESOLVED** that this matter be deferred to the next meeting to allow legal advice to be obtained with regard to amendments to Conditions 7. and 110.

***FOR VOTE - Unanimous***

5. [OGM] 2003/2004 Statutory Financial Reports / Audit Report

This item was dealt with later in the Meeting at Minute Number 247.

**REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER**

- 6 [OGM] Corporate Quarterly Report - July to September 2004

**235 RESOLUTION:**

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

**RESOLVED** that this report be:

1. Received and noted.
2. Placed in the Tweed Heads, Kingscliff and Murwillumbah libraries for public information.

***FOR VOTE - Unanimous***

**7 [OGM] Monthly Investment Report for Period Ending 30 September 2004**

**236 RESOLUTION:**

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

**RESOLVED** that this report be received and noted.

***FOR VOTE - Unanimous***

**REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS**

Nil.

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY**

**8 [EC] Administrative Matters - Food Act 2003**

**237 RESOLUTION:**

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

**RESOLVED** that Council:

1. Appoints Environmental Health Officers Jacqui Cord and Mark Longbottom as authorised officers for the purposes of the Food Act 2003 and undertake the functions of an authorised officer as provided by the said Act.
2. Delegates its functions as an enforcement agency, conferred on it by the Food Act 2003, to the General Manager.
3. Approves the delegation of functions in respect as to the appropriate enforcement agency in relation to Food Safety Standards 3.2.2 (Clauses 15 and 17) and 3.2.3 (Clauses 10 and 14) of the Food Standards Code and provide consent in writing to the NSW Food Authority accepting said delegations.
4. Approves the delegations of (3) above to the General Manager.

5. Requests, in writing, to the NSW Food Authority to permit the sub-delegation of (3) above, by the General Manager, to the Director of Environment and Community Services and the Manager of Environment and Health Services.

***FOR VOTE - Unanimous***

**9 [EC] Knox Park Markets**

**238 RESOLUTION:**

**Cr D M Holdom  
Cr B J Carroll**

**RESOLVED** that Council calls for expressions of interest from persons wishing to operate the Knox Park Markets until 30 June 2006.

***FOR VOTE - Unanimous***

**10 [EC] Naming of Community Centre being Constructed in Banora Point**

**239 RESOLUTION:**

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

**RESOLVED** that this item be deferred on the advice of the Acting Director Environment and Community.

***FOR VOTE - Unanimous***

**11 [EC] Relocation of Unregistrable Moveable Dwellings**

**240 RESOLUTION:**

**Cr H James  
Cr S M Dale**

**RESOLVED** that Council notes that a review has been conducted of caravan parks and manufactured home estates within Tweed Shire to determine the availability of sites suitable for the relocation of unregistrable moveable dwellings from within the Banora Point Caravan Park. Due to various limitations only four sites are available at the date of this report.

***FOR VOTE - Unanimous***

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

**RESOLVED** that following on from the investigation undertaken by Council officers:-

1. Council solicitor's investigate the legal letter to Council from the park owner regarding relocation costs.
2. Council forms a committee to assist with the facilitation of moving permanent residents to other park sites.

***FOR VOTE - Unanimous***

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision**

**241 RESOLUTION:**

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

**RESOLVED** 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] Traffic Study - 2(b) Zoning, Flagstaff Hill

#### NOTICE OF MOTION:

#### 242 RESOLUTION:

Cr M R Boyd  
Cr B J Carroll

**RESOLVED** that a comprehensive traffic study be undertaken to ascertain what impact can or will occur on those streets affected by Council's 2(b) zoning in the Flagstaff Hill area, should Council receive a number of Development Applications similar to that approved for No 40 Charles Street, Tweed Heads.

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

### 2 [NOM] Hospitality Courses at Kingscliff TAFE

#### NOTICE OF MOTION:

#### 243 RESOLUTION:

Cr J F Murray  
Cr G B Bell

**RESOLVED** that Tweed Shire Council:-

1. Writes to the NSW Government to ask that they reverse plans to reduce funding of TAFE courses in the Tweed, particularly in the Hospitality and Building trades fields.
2. Seeks the support of the Local State Member.

**FOR VOTE - Unanimous**

## LATE ITEM

### 244 RESOLUTION:

Cr H James  
Cr B J Carroll

**RESOLVED** that Item a2 of Orders of the Day being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

*FOR VOTE - Unanimous*

a2 [NOM] Wollumbin Festival

### NOTICE OF MOTION:

### 245 RESOLUTION:

Cr H James  
Cr B J Carroll

**RESOLVED** that Council provides the organisers of the Wollumbin Festival assistance with temporary fencing, as in previous years.

*FOR VOTE - Unanimous*

## WORKSHOPS

Nil.

## QUESTION TIME

1 [QT] Sale of Land - Pandanus Parade, Cabarita

Cr B J Carroll

Asked could council staff advise Councillors as to the total number of submissions it has received, to this point, in response to the Link article pertaining to the sale of land in Pandanus Parade indicating the number of both positive and negative responses by email, phone and written submissions

The General Manager responded that information is being tabulated for reporting to Council, however, at this stage it is overwhelming against the sale of land.

**2 [QT] Unauthorised Clearing - Lot 156 Creek Street, Hastings Point**

**Cr H James**

Asked in letters from Council dated 31 august 2004 regarding allegations of unauthorised clearing on Lot 156 Creek Street Hastings Point it says in part that:

*'(the owner) has been directed ... to cease from any slashing near the edge of the 2(e) zone so as to minimise any disturbance adjacent to the 7(a) zone'*

and

*"the owner has been advised that a Penalty Infringement Notice will be issued immediately upon any disturbance of 7(a) zoned land".*

Is it the intention that a notice would be issued if Council is presented with evidence of slashing or other clearing of vegetation between (a) the drain to the north of the lake and the zone boundary to the east of the drain or (b) west of the zone boundary and south of the lake?

The General Manager responded that he would expect that to be the action of the Director Planning and Environment.

**3 [QT] Unauthorised Clearing at Wooyung, Hastings Point, Kings Forest and West Kingscliff**

**Cr H James**

Asked could the Director Planning and Environment:-

- (a) prepare a report on complaints of unauthorised clearing brought to Council's attention in the last 12 months at Wooyung, Hastings Point, Kings Forest and West Kingscliff.
- (b) make arrangements for an inspection of the sites by himself and interested councillors.

The General Manager responded that the Director Planning & Environment could undertake the required actions.

**4 [QT] Statements in the Media-Administrator to be Appointed**

**Cr B J Carroll**

Asked could Cr Murray clarify whether the report in the Tweed Weekly reporting that he had stated that Neville Newell was calling for an administrator to step into Tweed Shire Council is accurate or inaccurate, and if he has been accurately reported, could he now make a public apology for this false accusation.



Cr Murray responded that he would stand by his comments.

**5 [QT] Enclosed Areas - Development Control Plan No 5**

**Cr M R Boyd**

Asked:-

1. Could a report be brought forward which details those known examples of property owners who have, with Council approval and against staff recommendation, enclosed areas beneath their homes in excess of the 50m<sup>2</sup> allowable under Development Control Plan No 5; and
2. Could this report include details of the relevant reports, recommendations, decisions and record of voting in each case?

The General Manager responded that this request would be undertaken by the Director Planning and Environment.

**6 [QT] Cabarita Surf Life Saving club**

**Cr M R Boyd**

Asked apart from the condition that it must use the \$500,000 of Section 94 funds on the construction of its clubhouse, what other conditions can Council legally apply to the transfer of these funds to the Cabarita Surf Life Saving club.

The General Manager responded that a report would be brought forward on this matter.

**7 [QT] Covenants Over Land in Pandanus Parade, Cabarita**

**Cr S M Dale**

Asked has Council, through the General Manager, sought legal advice as to the potential circumstances in which the covenants over Council owned land in Pandanus Parade, Cabarita could be removed or expunged?

The General Manager responded in the affirmative, adding that this could occur only by agreement of the beneficiary of the covenants. This advice has been circulated to Councillors.

**8 [QT] Offers for Land in Pandanus Parade, Cabarita**

**Cr S M Dale**

Asked does Council hold a written offer from Resort Corp for the Council owned land in Pandanus Parade, Cabarita and has Council received any other offers, either written or verbal for this land or any part of it?

The General Manager responded that a written offer had been received from Resort Corp. No other written offer has been received.

**9 [QT] Councillor's Attendance at Moran Function in Sydney**

**Cr D M Holdom**

Asked does the General Manager or his staff have any record of the call Cr Beck claims to have made prior to her trip to Sydney and while in Sydney other than to attend the Moran Art Prize, did Cr Beck attend any other functions (shows, performances).

The General Manager responded that he did not recall Cr Beck's advice and would need to enquire of other staff to ascertain whether they had knowledge of her attendance at the Moran Art Prize in Sydney. The General Manager commented that any advice on her attendance of other activities while in Sydney should come from Cr Beck.

**10. [QT] Funds Allocated to Festivals**

**Cr D M Holdom**

Asked does the General Manager have any concerns with a situation whereby Council donated to a festival only to find that the organising committee of that festival has donated money to a political lobby group.

The General Manager responded that he would have concerns if this was Council funds redirected and commented that there are conditions which apply to acquittal of the funds.

**COMMITTEE OF THE WHOLE**

**246 RESOLUTION:**

**Cr G B Bell  
Cr R D Brinsmead**

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

***FOR VOTE - Unanimous***

**ADDRESS BY COUNCIL'S AUDITORS, MESSRS KEVIN FRANNEY AND GEOFF DWYER FROM THOMAS NOBLE RUSSELL**

Mr Kevin Franney addressed the meeting on Council's Financial Position.

**5 [OGM] 2003/2004 Statutory Financial Reports / Audit Report**

**247 RESOLUTION:**

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

**RESOLVED** that Council adopts the tabled 2003/04 Financial Reports, as required by Section 413 (2) (c) of the Local Government Act, 1993 as follows: -

1. The financial statement are drawn up in accordance with:
  - a) - the Act and the Regulations;  
- that Statements of Accounting concepts;  
- the Local Government Code of Accounting Practice and Financial Reporting; and  
- the Australian Accounting Standards.
  - b) Accounting policies be adopted.
  - c) The reports present fairly the Council's financial position and other records.

***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:-

## ITEMS DEFERRED IN COMMITTEE

### [ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

#### REASON FOR CONFIDENTIALITY:

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This item was not dealt with as Minute No C123 refers, which reads "*... that this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.*"

Cr Holdom left the meeting at 04:59 PM

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

- 1 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No. 57 - Koala Beach Stage 7

#### 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 166 RESOLUTION:

That :-

1. Council engages the services of GeoLINK to undertake the project in accordance with the tender submitted and the Project Brief for the fee of \$24,090 inclusive of GST.
2. GeoLINK be formally commissioned once the outstanding funding ie. \$24,090 has been received by Council from the proponent. The proponent should also acknowledge that additional fees may be required dependent on the outcomes of the review of the proponents consultants report.
3. Variations to the contract for further specialist reports based on the review of the proponents consultant reports may be approved by the Director of Planning and Environment.

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr Holdom***

## **2 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 37**

### **REASON FOR CONFIDENTIALITY:**

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

- (b) the personal hardship of any resident or ratepayer

### **C 167 RESOLUTION:**

That Council takes no further action with the draft Local Environmental Plan 2000 Amendment (No. 37) for Tweed Heads West until all relevant authorities have approved the final route for the Tugun Bypass.

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr Holdom***

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

Nil.

## REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

### 3 [EO] Bray Park WTP Augmentation Design and Project Management

#### 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 168 RESOLUTION:

That Council:-

1. Approves the proposal submitted by Hunter Water Australia (HWA) for the target alliance fee of \$1,619,145 exclusive of GST.
2. Terminates Contract EC2003-007 following finalisation of contract documentation with Zenon Inc at \$246,428 exclusive of GST.
3. Gives the Director Engineering and Operations delegated authority to approve variations up to \$100,000 above the target alliance fee of \$1,619,145 exclusive of GST.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**AGAINST VOTE - Cr Lawrie**

**ABSENT. DID NOT VOTE - Cr Holdom**

**4 [EO] EC2004-13 Supply & Installation of Grit and Screening Handling Equipment, Banora Point STP - Variation**

**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 169 RESOLUTION:**

That:-

1. Council approves the variation request valued at \$64,054.45 exclusive of GST under the contract EC2004-013.
2. The Director Engineering and Operations be given delegated authority to sign off on the variation certificate for payment

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

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE**

Nil.

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS IN COMMITTEE**

Nil.

## **ORDERS OF THE DAY IN COMMITTEE**

### **[NOM] Unauthorised Clearing of Land - Hastings Point**

#### **NOTICE OF MOTION:**

#### **REASON FOR CONFIDENTIALITY:**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This item was withdrawn.

#### **QUESTION TIME IN COMMITTEE**

Nil.

Cr Holdom has returned from temporary absence at 04:50 PM

#### **248 RESOLUTION:**

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

**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 5.45pm.



**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**

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**Chairman**