

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, 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 Don Buckley (Director Environment & Community), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

PRAYER

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

"Almighty God, we pray for those who exercise authority in government and local council, and especially in the Tweed Shire where we live.

Grant that they may be upright in character and wise in judgement, seeking first and foremost the good of the community, not their own advantage, and so direct and strengthen them in all their work and planning that they may further your will among us, for the glory of your name.

We give thanks for the life of Bernie Bell - for the contribution he made to the community of the Tweed as a member of the Tweed Shire Council. We remember his family and friends as they mourn his passing. Amen".

The Late Councillor Bernie Bell

The Council observed one minute's silence in respect of their colleague, the late Cr Bernie Bell.

CULTURAL AWARDS

The Mayor requested the Director Environment and Community Services to address Councillors regarding the Local Government Cultural Awards 2005.

The Director Environment and Community Services advised that Ms Buckley, Council's Cultural Development Officer, received the following awards:-

Inaugural BH Award - initiated by Local Government and Shires Associations - awarded to Ms Lesley Buckley.

Cultural Infrastructure Award for Division C - accepted by Mr Gary Corbett as a representative of Tweed Shire Council.

Ms Lesley Buckley and Council's Art Gallery Director, Mr Gary Corbett, presented the awards to the Mayor and addressed Council, recognising the contribution of the Tweed Shire community and the Council to cultural development in the Shire.

CONFIRMATION OF MINUTES

Minutes of the Council Meeting held 4 May 2005

371 RESOLUTION:

Cr M R Boyd

Cr S M Dale

RESOLVED that the Minutes of the Council Meeting held 4 May 2005 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

Minutes of the Extraordinary Council Meeting held 11 May 2005

372 RESOLUTION:

Cr M R Boyd

Cr S M Dale

RESOLVED that the Minutes of the Extraordinary Council Meeting held 11 May 2005 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

APOLOGIES

Cr H James

Cr James informed the General Manager that his absence was caused by being out of the Shire.

373 RESOLUTION:

**Cr D M Holdom
Cr S M Dale**

RESOLVED that the apology of Cr H James be accepted and the necessary leave of absence be granted.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions as at 18 May 2005

374 RESOLUTION:

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

RESOLVED that this report be received and noted.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

MAYORAL MINUTE

Mayoral Minute Tabled by the Mayor, Cr Polglase

375 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute as tabled be adopted.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

ITEMS DEFERRED

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Development Application DA04/0754 for a 2 Lot Subdivision at Lot 193 DP 249155, No. 28 The Quarterdeck Tweed Heads

376 RESOLUTION:

Cr M R Boyd

Cr G J Lawrie

RESOLVED that the original determination of Development Application DA04/0754 for a 2 lot subdivision at Lot 193 DP 249155, No. 28 The Quarterdeck, Tweed Heads be upheld.

The original reasons for refusal are as follows:

- "1. The proposed development is not consistent with the 2(a) zone objectives in that the application is not considered to achieve good urban design and does **not** achieve a density or scale, which is consistent with the low-density nature of the area. The 2(a) zone objectives read as follows;*

“to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity” and

“to allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objective.

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the low density nature of the area and the existing character of the area;*
3. *The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*
4. *The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:*

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"
5. *The application is not considered to be consistent with the character of the low-density estate.*
6. *The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*
7. *The application could potentially set an unwarranted precedent.*
8. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.”*

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

2 [PE] State Significant Development Applications

377 RESOLUTION:

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

RESOLVED that Council endorses the following approach for State Environmental Planning Policy Number 71 (SEPP 71) and other State Significant development applications: -

1. Key issues will be identified for detailed assessment by Department of Infrastructure Planning and Natural Resources (DIPNR) staff;
2. Draft conditions relative to Council's specific areas of interest including Section 94 and Section 64 contributions be provided; and
3. If Department of Infrastructure Planning and Natural Resources (DIPNR) requires detailed assessment by Council staff and draft conditions on any of the key development issues or other Section 79(c) matters that these advices be provided on a 'fee for service' basis.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

3 [OGM] Mayor & Councillors Annual Remuneration 2005-2006

378 RESOLUTION:

Cr G J Lawrie

Cr L F Beck

RESOLVED that in accordance with Sections 248 and 249 of the Local Government Act for application on and from 1 July 2005, Council sets the following fees:

1. The annual fee for the Mayor for the period 1 July 2005 to 30 June 2006 be \$28,215.00.
2. The annual fee for Councillors for the period 1 July 2005 to 30 June 2006 be \$12,925.00

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

4 [OGM] Monthly Investment Report for Period Ending 30 April 2005

379 RESOLUTION:

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

RESOLVED that this report be received and noted.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

5 [OGM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2005

380 RESOLUTION:

**Cr D M Holdom
Cr G J Lawrie**

RESOLVED that this report be received and noted.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

6 [OGM] Update on Current Accounting Practices

381 RESOLUTION:

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

RESOLVED that this report be received and noted.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

7 [EO] Council Reserve - Upper Crystal Creek

Cr J F Murray
Cr R D Brinsmead

PROPOSED that this report be received and noted.

382 AMENDMENT

Cr B J Carroll
Cr L F Beck

RESOLVED that Council proceeds with the following actions:-

1. Construction of a 4 to 5 space gravel car park with bollarding to control site access.
2. Regular litter collection at the site with the provision of a bin.
3. Council rangers to increase surveillance of the area over weekends and when in or passing through the area.

The Amendment was **Carried**

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

AGAINST VOTE - Cr Murray

ABSENT. DID NOT VOTE - Cr James

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

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr James

8 [EO] Fig Tree - Joey's Pouch Child Care Centre

383 RESOLUTION:

Cr L F Beck
Cr J F Murray

RESOLVED that Council removes the fig tree located in the car park of the Joey's Pouch Childcare Centre located in Ewing Street, Murwillumbah and that the Joey's Pouch children plant a replacement tree on the site with the tree supplied by Council.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

9 [EO] Consolidation of Council Land at Bray Park

384 RESOLUTION:

Cr M R Boyd
Cr G J Lawrie

RESOLVED that :

1. Council approves the consolidation of Lot 1 in DP 445752, Lot 92 in DP 621415 and Lot 103 in DP 616049;
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

10 [EO] Application to Close & Purchase Part of Road Reserve - Dungay Creek Road, Dungay

385 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that Council does not approve the closure of part of the road reserve of Dungay Creek Road at Dungay adjacent to Lot 1 in DP 603427 and that the applicant be advised that the improvement be allowed to remain at Council's pleasure.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

11 [EO] Licence Agreement with Department of Lands - Boat Ramp - Sutherland Street, Kingscliff

386 RESOLUTION:

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

RESOLVED that:

1. Council approves entering into a Licence Agreement with the Department of Lands over an area of Cudgen Creek at Kingscliff below the High Water Mark for the construction and use of a rescue boat launching and retrieval facility; and
2. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Tweed Shire Family Day Care

387 RESOLUTION:

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

RESOLVED that Council approves an interest free grant of \$300,000 to Tweed Shire Family Day Care, to be repaid at a rate of \$60,000.00 per year over a period of five (5) years, funded from the Employee Leave Entitlement Reserve.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

13 [EC] Catchment Blueprint Project Services Contract

388 RESOLUTION:

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

RESOLVED that Council accepts the funding from the Northern Rivers Catchment Management Authority and votes the expenditure accordingly.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

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

389 RESOLUTION:

**Cr B J Carroll
Cr G J Lawrie**

RESOLVED that Council advises the Far North Coast branch of the Department of Ageing, Disability and Home Care that the fee for the hire of South Tweed Community Hall on 14 May 2005 is waived.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

15 [EC] Entomological Control Report for Period February - April 2005

390 RESOLUTION:

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

RESOLVED that this report be received and noted.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Hart's Hole, Upper Crystal Creek

NOTICE OF MOTION:

The proposed Motion was withdrawn (also refer Minute No 382).

2 [NOM] Three (3) Storey Height Limited

NOTICE OF MOTION:

Cr M R Boyd
Cr D M Holdom

PROPOSED that in view of the increasing number of residents who are expressing strong opposition when they suddenly become aware that a neighbour or someone nearby has approval to build a three (3) storey building allowable under the current Local Environmental Plan which has an adverse impact on their enjoyment of their long standing quality of life, Council seeks the views of urban residents throughout the Shire as to whether they want to protect the residential character of their street/suburb by requesting Council to reduce the present three (3) storey height limit to reflect their majority preference.

The Motion was **Lost**

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

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

ABSENT. DID NOT VOTE - Cr James

3 [NOM] Mentoring - Koiari Region of Papua New Guinea

NOTICE OF MOTION:

391 RESOLUTION:

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

RESOLVED that Tweed Shire Council further investigates a mentoring relationship with the Koiari Region of Papua New Guinea in recognition of assistance given to Australian Troops on the Kokoda Trail during the Second World War through the Office of the General Manager and that a report be brought forward to Council before any further decisions are made.

TEMPORARY ABSENCE FROM MEETING

Cr Dale left the meeting at 05:19 PM

Cr Dale has returned from temporary absence at 05:21 PM

TEMPORARY ABSENCE FROM MEETING

Cr Holdom left the meeting at 05:23 PM

392 RESOLUTION:

**Cr L F Beck
Cr R D Brinsmead**

RESOLVED that an extension of 1 minute be granted to Cr J F Murray.

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James, Cr Holdom***

Cr Holdom has returned from temporary absence at 05:25 PM

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James***

4 [NOM] Parking Master Plan - Kingscliff Central Business District

NOTICE OF MOTION:

The proposed Motion was withdrawn.

5 [NOM] Workshop - Gales Holdings

NOTICE OF MOTION:

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

PROPOSED that upon receipt of a written request from Mr Segal asking for a workshop, Council investigates the possibility of scheduling a workshop with Gales Holdings Group in an effort to resolve some of the ongoing outstanding issues subject to legal advice.

The Motion was **Lost**

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

WORKSHOPS

Nil.

QUESTION TIME

1 Post Office Store, Tumbulgum

Cr L F Beck

Asked what action has been taken regarding the Post Office store at Tumbulgum.

The Director Planning and Environment responded that complaints continue to be received regarding the operation of the General Store/Post Office and also the owners/proprietors of the store have asked for an extension of time. Council has advised that they must cease general store activities as they are unlawful. The Director considers it feasible that there will be some resolution within the next few days. He added that the owners/proprietors have rights to Appeal and if this occurred, Council would then need to wait for arbitration on the matter.

2 Notification to Councillors of Important Council Business

Cr S M Dale

Asked can Council Administrative staff confirm who holds the responsibility for informing all Councillors of important Council business and whether protocol suggests Councillors be phoned on Council or private mobiles regarding Extraordinary meetings and matters of great importance?

The General Manager responded that such matters were dealt with in accordance with the Code of Meeting Practice, however, protocol will be developed to take into account issues posed in question.

3 Queensland Department of Main Roads - Boring Operations

Cr M R Boyd

Asked:-

1. Can Council staff verify whether Queensland Department of Main Roads officers are attempting to commence boring operations in an area which is part of Lot 319, recognised as part of a section classified as Environmental Endangered Community?
2. Will staff undertake to investigate this matter and report back to Council and if it is found to be not approved, to take the appropriate action as a matter of urgency?

The General Manager responded that the Director Planning and Environment will follow-up and take appropriate action and advise Council.

The Director Planning and Environment responded that he has been advised of this matter and will be seeking advice as to whether the Department has approval to test for acid sulfate and whether they are complying with all aspects of legislation.

4 Provision of Service Backup of Lifts Servicing Unit Blocks

Cr D M Holdom

Asked with regard to thinking ahead and the Shire's ageing population, what provisions does Council have to require that all 3 storey unit blocks serviced by lifts to have generator backup available in case of power interruptions?

The General Manager responded that he was not aware of any provisions for such action but will take the question on notice for investigation by the Director Planning and Environment who will advise Council.

COMMITTEE OF THE WHOLE

393 RESOLUTION:

Cr L F Beck
Cr G J Lawrie

RESOLVED that Council resolves itself into a Confidential Committee of the Whole and the press and public be excluded from the Committee meeting.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

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 AND ENVIRONMENT IN COMMITTEE

1 [PE] Kings Forest Existing Use Rights

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

C 80 RECOMMENDATION:

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO] Regional Sport and Recreational Facilities Plan

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 81 RECOMMENDATION:

RECOMMENDED that Council:-

1. Awards the contract for the preparation of a Regional Sport and Recreation Facilities Plan to Leisure Futures with a GST exclusive price of \$38,000.00.
2. Delegates the Director Engineering & Operations authority to approve variations up to 20% of the initial contract price.
3. Votes the expenditure from Contribution Plan 26 – Shirewide/Regional Open Space.

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale

AGAINST VOTE - Cr Lawrie

ABSENT. DID NOT VOTE - Cr James

3 [EO] Park Renaming - SALT, South Kingscliff

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 82 RECOMMENDATION:

RECOMMENDED that Council re-names Cylinders Park at SALT, South Kingscliff "Michael Palmer Memorial Park".

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

4 [EO] EC2005-051 Construction of a Boat Ramp and Floating Pontoon Jetty, Lakes Drive, Tweed Heads West

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 83 RECOMMENDATION:

RECOMMENDED that:-

1. Contract EC2005-051 Construction of a Boat Ramp and Floating Pontoon Jetty, Lakes Drive, Tweed Heads West be awarded to Hart Family Trust for the lump sum price of \$102,376.55 excluding GST.
2. The Director Engineering and Operations be given delegated authority to approve variations up to 10% of the original contract value.

3. The unsuccessful tenderers be advised.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

- 5 [EO] Variation to Contract EC2005-032: Manufacture, Supply, Delivery and Unloading of DICL and MSCL Large Diameter Pressure Pipe and Fittings

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 84 RECOMMENDATION:

RECOMMENDED that the contract variation for EC2005-032 submitted by Tyco Water for \$300,078.76 (GST exclusive) be accepted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

6 [EO] Land Acquisition for Road & Compensation Purposes - Duranbah Road, Duranbah

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) personnel matters concerning particular individuals (other than councillors)

C 85 RECOMMENDATION:

RECOMMENDED that:-

1. Council approves the acquisition of Lots 1 to 6 in DP 1080887 for public road and the acquisition of Lots 7 to 9 in DP 1080887 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993; and
2. Lots 1 to 6 in DP 1080887 be dedicated as road following gazettal of the acquisition.
3. All necessary documentation be executed under the common seal of Council.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

394 RESOLUTION:

Cr M R Boyd
Cr L F Beck

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

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr James

There being no further business the Meeting terminated at 6.17pm.



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 21 of these Minutes**

Chairman

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