

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), M R Boyd, R D Brinsmead, B J Carroll (4.21PM), 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 Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

Cr Carroll was not present at the commencement of the meeting.

PRAYER

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

Lord, Creator of all, we give thanks for the rain that has fallen in our area.

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 decisions, and we pray give us your blessing today.

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

Amen

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held on Wednesday, 20 April 2005

324 RESOLUTION:

Cr D M Holdom
Cr J F Murray

RESOLVED that the Minutes of the Ordinary Council Meeting held Wednesday 20 April 2005 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr Bell, Cr Carroll

Minutes of the Extraordinary Council Meeting held Wednesday 27 April 2005

325 RESOLUTION:

Cr D M Holdom
Cr J F Murray

RESOLVED that the Minutes of the Extraordinary Council Meeting held Wednesday 27 April 2005 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr Bell, Cr Carroll

APOLOGIES

Cr G B Bell

Cr Bell informed the General Manager that his/her absence was caused by illness.

326 RESOLUTION:

Cr J F Murray
Cr G J Lawrie

RESOLVED that the apology of Cr G B Bell be accepted and the necessary leave of absence be granted.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr Bell, Cr Carroll

DISCLOSURE OF INTEREST

Cr R D Brinsmead declared an interest in Item 1 of the Orders of the Day of this Agenda.

The nature of the interest is that Cr R D Brinsmead has family interests in this matter.

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

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

327 RESOLUTION:

Cr D M Holdom
Cr J F Murray

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Bell, Cr Carroll

MAYORAL MINUTE

Mayoral Minute

328 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Bell, Cr Carroll

ITEMS DEFERRED

Nil.

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Development Application DA04/1535 for a Nine (9) Storey Multi Dwelling Residential Development Comprising of 15 Units at Lot 5 DP 9173, Lot 1 DP 865944, No. 24 & 28 Thomson Street, Tweed Heads

329 RESOLUTION:

Cr L F Beck
Cr G J Lawrie

RESOLVED that : -

1. Council notes that a contribution plan is under preparation for the public infrastructure to implement the Tweed Heads Master Plan.
2. Council generally supports the application and refers it to the Director Planning & Environment to negotiate a contribution of \$2,000 per unit under a voluntary agreement for public infrastructure identified in the Tweed Heads Master Plan.
3. The approval be issued by the Director Planning & Environment under delegation in accordance with the recommended conditions in this report.

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

AGAINST VOTE - Cr Boyd

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

- 2 [PE] DA05/0296 for a General Store (Post Office, Sale of Newspapers & Sale of Fruit & Vegetables) in Addition to the Existing Approval of the Site for a Craft Gallery & Coffee Bar at Lot 16 Sec 1 DP 1223, No. 140 Riverside Drive, Tumbulgum**

330 RESOLUTION:

Cr M R Boyd

Cr L F Beck

RESOLVED that : -

- A. Development Application DA05/0296 for a general store (post office, sale of newspapers and sale of fruit and vegetables) in addition to the existing approval of the site for a craft gallery and coffee bar at Lot 16 Sec 1 DP 1223, No. 140 Riverside Drive Tumbulgum be refused for the following reasons: -

1. The application does not comply with the aims of the Tweed Local Environmental Plan 2000 specifically but no limited to the following:

"To encourage sustainable economic development of the area of Tweed compatible with the areas environmental and residential amenity qualities."

2. The application does not comply with the primary objective of the Tweed Local Environmental Plan 2000 which reads as follows:

"To provide for residential development and a full range of services and facilities traditionally associated with a rural village which is of a

design and scale that makes a positive contribution to the character of the village."

3. The subject site does not have adequate onsite car parking or on site loading facilities as required by Development Control Plan No. 2 – Site Access & Parking Code.
 4. The locality does not have an adequate pedestrian network to ensure pedestrian safety.
 5. The proposed use would create unacceptable noise levels for adjoining residential properties.
 6. The application was not supported by sufficient information to enable a complete assessment to be undertaken specifically in relation to (but not limited to) the total gross floor area, the operation of the various uses, delivery details, traffic and parking implications, and signage.
 7. The application is not in the public interest. The proposal is an overdevelopment of the site that would result in a reduction in the amenity of adjoining residents.
- B. That Council notify the applicant that they have seven days to cease utilising the premises as a post office and general store and remove any associated unauthorised signage.
- C. That Council investigate the illegal granny flat at the ground level having regard to its permissibility and its compliance with Development Control Plan No. 5 – Flood Liable Land.
- D. That Council investigate 140 Riverside Drive, Tumbulgum having regard to its compliance with consent number K98/0420 for a Craft Gallery & Coffee Bar.

AMENDMENT

Cr W J Polglase
Cr R D Brinsmead

PROPOSED that this item be deferred to allow the applicants to address Council's Community Access session and be considered again at Council's meeting on 18 May 2005.

The Amendment was **Lost**

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

The Motion was **Carried**

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

AGAINST VOTE - Cr Polglase

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

- 3 [PE] Section 96 Application DA04/0723.01 for an Amendment to Development Consent DA04/0723 for a Pylon Sign at Lot 2 DP 1045941, Minjungal Drive, Tweed Heads South**

At the request of the applicant, this item is deferred to be considered by Council at its meeting on 1 June 2005.

Cr Carroll attended the meeting at 04:21 PM

- 4 [PE] Development Application DA04/1396 for a 3 Storey Dwelling and Swimming Pool with Fence and Fence Height Variation at Lot 98 DP 31539, No. 44 McPhail Avenue, Kingscliff**

331 RESOLUTION:

Cr J F Murray

Cr G J Lawrie

RESOLVED that Development Application DA04/1396 for a 3 storey dwelling and swimming pool with fence and fence height variation at Lot 98 DP 31539, No. 44 McPhail Avenue, Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent. [GEN0020]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. [GEN0030]
3. No retaining walls or similar structures are to be constructed over Council's sewer main. [GEN0090]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]

5. The erection of a building in accordance with a development consent must not be commenced until:
- (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-builder, 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCC0190]

7. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC0240]

8. Prior to the commencement of work a separate development application for the demolition of the existing dwelling is to be submitted and approved by Council.

[PCWNS01]

9. Prior to the commencement of works a delapidation report for the existing dwellings at No.42 and No.46 McPhail Avenue is to be prepared and submitted.

[PCWNS02]

PRIOR TO COMMENCEMENT OF WORK

10. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

11. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0050]

12. 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]

13. **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]

14. 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]

15. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCW0250]

16. Prior to commencement of work on the site all 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]

17. Residential building work:

- (1) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for

the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

18. Swimming Pools (Building)

- A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.

[DUR1280]

19. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR1290]

DURING CONSTRUCTION

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

26. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering & Operations. Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0470]

27. 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]

28. 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]

29. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0960]

30. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

[DUR1000]

31. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. internal drainage, prior to slab preparation;
- b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- c. external drainage prior to backfilling.
- d. completion of work and prior to occupation of the building.

[DUR1020]

32. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR1030]

33. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1050]

34. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR1090]

35. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR1130]

36. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR1150]

37. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR1160]

38. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

39. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

40. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

41. 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]

42. 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]

43. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0180]

44. Swimming Pools (Building)

- A. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- B. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE0250]

USE

45. The building is to be used for single dwelling purposes only.

[USE0110]

46. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.

[USE0290]

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

AGAINST VOTE - Cr Boyd, Cr Dale

ABSENT. DID NOT VOTE - Cr Bell

5 [PE] Amendment to Tweed Local Environmental Plan 2000

332 RESOLUTION:

Cr H James

Cr M R Boyd

RESOLVED that this item be deferred for a further report to Council.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

6 [OGM] Quarterly Budget Review - 31 March 2005

333 RESOLUTION:

Cr M R Boyd

Cr G J Lawrie

RESOLVED that:-

1. The Quarterly Budget Review Statement as at 31 March 2005 be adopted.
2. The expenditure and income, as detailed within the body of the report, be voted and adjusted in accordance with the revised total expenditure and income for the year.

Financial Summary by Functions and by Fund

Functions	Expenditure	Income	Net Cost
Community	31,277,778	21,161,562	10,116,216
Economic	5,408,796	4,270,606	1,138,190
Environmental	14,896,319	9,475,877	5,420,442
Infrastructure	79,018,000	67,899,328	11,118,672
Organisation	4,661,542	34,507,472	(29,845,930)
Total	135,262,435	137,314,845	(2,052,410)

Fund	Expenditure	Income	Net Cost
General	84,360,509	84,360,509	-
Water	26,098,520	26,428,403	(329,883)
Sewer	24,803,406	26,525,933	(1,722,527)
Total All Funds	135,262,435	137,314,845	(2,052,410)

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

7 [OGM] Transaction Banking Services

334 RESOLUTION:

Cr B J Carroll
Cr M R Boyd

RESOLVED That Council:-

1. Negotiates with the Commonwealth Bank to extend the current banking services contract arrangement until 1 October 2006.
2. Prepares banking tender documents in conjunction with other Far North Coast Councils for a period of four (4) years commencing 1 October 2006.

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

8 [OGM] Corporate Quarterly Report - January to March 2005

335 RESOLUTION:

Cr D M Holdom
Cr B J Carroll

RESOLVED that this report be received and noted.

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

REPORTS FROM ACTING DIRECTOR ENGINEERING AND OPERATIONS

9 [EO] Sexton Hill Upgrade and Pacific Highway Masterplan

336 RESOLUTION:

Cr J F Murray
Cr D M Holdom

RESOLVED that Council requests the Roads & Traffic Authority to:-

1. Submit the Draft Pacific Highway Masterplan (between Barneys Point Bridge and Stewart Road, Currumbin) for consideration in accordance with their undertaking.
2. Extend the Sexton Hill Deviation exhibition period until 1 month after Council has endorsed the Pacific Highway Masterplan.

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

337 RESOLUTION:

Cr J F Murray
Cr R D Brinsmead

RESOLVED that Councillor Murray attend the Banora Point Upgrade Value Management Workshop to be held on 23 and 24 May 2005 at a location to be advised.

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

338 RESOLUTION:

Cr L F Beck
Cr M R Boyd

RESOLVED that Standing Orders be suspended to deal with Item 1 of the Orders of the Day of the Agenda.

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

DECLARATION OF INTEREST

Cr Brinsmead declared an Interest in this item, left the Chamber at 05:13 PM and took no part in the discussion or voting.

1 [NOM] Public Opposition to the Sale of Council Land in Pandanus Parade, Cabarita

339 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that in view of the overwhelming public opposition to the sale of Council land in Pandanus Parade, that Council resolves to discontinue all negotiations with interested parties and advise them the land is not for sale.

AMENDMENT

Cr J F Murray
Cr L F Beck

PROPOSED that the matter of the sale of this land not be considered until after the Development Control Plan No 50 has gone through its proper processes.

The Amendment was **Lost**

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

The Motion was **Carried**

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

Cr Brinsmead has returned from temporary absence at 05:40 PM

RESUMPTION OF STANDING ORDERS

340 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that Standing Orders be resumed.

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

10 [EO] Acquisition of Road for Public Purposes

341 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that:-

1. Council approves the compulsory acquisition of Lot 1 in DP 1080884 and Lot 1 in DP 1080885 for public purposes for the purposes of the Local Government Act, 1993 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
2. Lot 1 in DP 1080884 and Lot 1 in DP 1080885 be classified as operational following gazettal of the acquisitions; and
3. All necessary documentation be executed under the common seal of Council.

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

11 [EO] Skate Park - Tweed Heads

342 RESOLUTION:

Cr B J Carroll
Cr H James

RESOLVED that Council:-

1. Confirms the community land on the corner of Minjungbal Drive and Heffron Street as the location for a skate park facility.
 2. Calls for tenders to design and construct the skate park facility.
-

3. Provides the Tweed River High School with a letter of support (non-financial) in its application for perimeter fencing.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

- 12 [EC] Membership of Council's Community Cultural Development Advisory Committee

343 RESOLUTION:

Cr H James
Cr D M Holdom

RESOLVED that this item be deferred pending further clarification on the question of the proposed fee and its disbursement.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell

- 13 [EC] Lease from Corporate Property Developments Pty Ltd - Tweed Shire Community Options Project

This matter was withdrawn at the meeting.

- 14 [EC] Banora Point Caravan Park

344 RESOLUTION:

Cr M R Boyd
Cr L F Beck

RESOLVED that:-

1. This report be received and noted.
2. The Park Owner/Operator's Application for Approval to Operate be determined under delegated authority in accordance with the Consent Orders.
3. Council staff be required to bring forward regular reports with regard to the implementation of the Consent Orders.

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

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-CC] Minutes of the Communications Committee Meeting held Tuesday 15 March 2005

345 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that the Minutes of the Communications Committee be endorsed with the exception of those items which were considered individually hereunder.

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

[SUB-CC] 4. Potential Controversial Issues

346 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council:

1. Identifies at an early stage potentially controversial developments and that appropriate steps be taken to better inform the public.
2. Facilitates a public meeting at which developers are requested to provide all relevant information on the application.

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

2 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2005

347 RESOLUTION:

Cr M R Boyd
Cr J F Murray

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

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

[SUB-TRC] 5. Foreshore Land Acquisition - Bluey Hill Park, North Tumbulgum

348 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council commences the process of acquisition for the parcel of foreshore land in private ownership at North Tumbulgum to ensure public access to the Tweed River in this location.

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

3 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 April 2005

349 RESOLUTION:

Cr M R Boyd
Cr J F Murray

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

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

[SUB-TCC] BA4. Water Quality - Tweed Laboratory Centre

350 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council develops a protocol for actions required following notification by the community of a fish kill or other pollution event to ensure sampling is undertaken in a timely manner. Protocol to include contact details, sampling regime required, time frames and after-hours contacts. If a protocol exists, it should be reviewed to ensure methodology is adequate.

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

[SUB-TCC] 2. Nominations for Fingal Head Representative

351 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council appoints Mr Evan Matthews as the Fingal Head representative on the Tweed Coastal Committee.

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

[SUB-TCC] 4. Program Status

352 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council endorses the temporary reallocation of \$12,000 from the Education budget allocation of the Tweed Coastal Committee to the Cudgera Creek Tidal Obstructions removal project.

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

[SUB-TCC] 1. Draft Tweed Coast Surf Life Saving Strategy

353 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council be advised that it is considered that the current membership of the Tweed Coastal Committee fulfils the requirements of a "Beach Management Committee" as recommended in the Draft Tweed Coast Surf Life Saving Strategy.

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

4 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 19 April 2005

354 RESOLUTION:

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

RESOLVED that the Minutes of the Sports Advisory Committee be endorsed with the exception of those items which were considered individually hereunder.

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

[SUB-SAC] 2. North Coast Academy of Sport

355 RESOLUTION:

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

RESOLVED that Council increases its annual contribution of \$1500 to \$5,000 towards the North Coast Academy of Sport.

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

5 [SUB-TDC] Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 21 April 2005

356 RESOLUTION:

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

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee be endorsed with the exception of those items which were considered individually hereunder.

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

[SUB-TDC] BA5. Tree Vandalism

357 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council invites the Department of Lands to erect their "tree vandalism " sign at 228-230 Marine Parade, Kingscliff.

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

[SUB-TDC] 3. Cabarita Beach Dune Care Representative

358 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council appoints Gerard Bambach as the new representative of the Cabarita Beach Dune Care Group on the Tweed Dune Care Advisory Committee.

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

6 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 21 April 2005

359 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that the Minutes of the Local Traffic Committee be endorsed with the exception of those items which were considered individually hereunder.

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

[SUB-LTC] 1. Tumbulgum Road and Racecourse Road, Murwillumbah

R4540 Pt1; R5570 Pt1; DW1179904; Traffic - Safety

360 RESOLUTION:

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

RESOLVED that a 'Stop' sign be installed on Racecourse Road at the intersection of Tumbulgum Road.

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

**[SUB-LTC] 3. Vintage Lakes Drive and Medoc Place, Tweed Heads South
R5747 Pt1; DW1160027; Traffic - Safety; Traffic - Speed Zones**

361 RESOLUTION:

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

RESOLVED that a 'Children Crossing' sign be installed on Vintage Lakes Drive between Port Drive and Medoc Place for eastbound traffic.

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

**[SUB-LTC] 11. Dry Dock Road, Tweed Head South; Pearl, Boomerang and Oxford
Streets and McPhail Avenue, Kingscliff; Tweed Coast Road, Pottsville;
Cudgera Creek Overpass of Motorway**

R1680 Pt3; DW1187051; Traffic - Committee; Speed Zones;

362 RESOLUTION:

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

RESOLVED that the speed limit be reduced to 50kph on Tweed Coast Road between Coronation Avenue and Cudgera Avenue.

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

7 [SUB] Sub-Committee Minutes Circulated to Councillors Not Requiring a Council Decision

363 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that this report be received and noted.

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

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

URGENCY MOTION

[URG] Poinciana Trees in Leisure Drive

DA03/0078 Pt6

364 RESOLUTION:

Cr J F Murray
Cr L F Beck

RESOLVED that the Urgency Motion be dealt with.

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

365 RESOLUTION:

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

RESOLVED that Council rescinds its earlier approval to the Queensland RSL developers to remove the Poinciana trees on the Leisure Drive boundary of the property and instead, seek to ensure the retention of these established trees.

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

ORDERS OF THE DAY

[NOM] Public Opposition to the Sale of Land in Pandanus Parade, Cabarita

This item was dealt with at Minute No. 339 of this Agenda.

WORKSHOPS

Nil.

QUESTION TIME

1 [QT] Kings Forest - Court Case

GT1/LEP/2000/20 Pt14

Cr M R Boyd

Asked in view of the astounding decision by the Director of Public Prosecutions to drop the majority of charges against Tim Barr, will Council seek an explanation from the Director of Public Prosecutions and the Police?

The General Manager advised that he is hoping to meet with police investigator and that he will advise Council of this meeting.

2 [QT] Kings Forest - Legal Advice

GT1/LEP/2000/20 Pt14

Cr M R Boyd

Asked what legal action can or should Council take with regard to the alleged forged documents and other evidence discovered in this case.

The General Manager responded that he would seek advice on this issue.

3 [QT] Palms Village - South Tweed Heads

PF2920/15 Pt3

Cr D M Holdom

Asked can the General Manager please investigate and report back to Council as to why a relocatable mobile home at "The Palms", Dry Dock Road (Site 222) has gone in next to Site 221 approximately 80cm away from this site and now a firewall is being proposed to go in between the two relocatable mobile homes, when the Local Government Act (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulations, 1995 states that there is to be a three (3) metre separation between all dwellings and a ten (10) metre separation between buildings and roads?

The General Manager advised that he will arrange for advice on this matter to be brought back to Council.

4 [QT] Media Reports - Kings Forest

GT1/LEP/2000/20 Pt14

Cr D M Holdom

Asked that, as I am one of four new Councillors, I would like to know the following (with regard to the breaking story this week on Kings Forest - false Council documents).

What legal action (if any and if not, why not) is Council going to take, relating to the false Council documentation. I ask this question because regardless of the fact that 35 fraud charges have been dropped by the NSW Director of Public Prosecutions, the outstanding issue is who (and why) falsified Council documents and especially the "why"?

The General Manager responded that he will seek advice on this matter.

5 [QT] Murwillumbah East Flood Levee

Cr M R Boyd

Asked now that funds are available to increase the height of the Murwillumbah East levee bank, when will the next meeting of the Floodplain Management Committee be held?

The Director Engineering and Operations advised that following the flood model being considered by Council it is proposed that the Floodplain Management Committee will be reconvened.

COMMITTEE OF THE WHOLE

366 RESOLUTION:

Cr H James
Cr B J Carroll

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 Bell

ITEMS DEFERRED IN COMMITTEE

[ID] [EC] Lease or Licence or Agreement for Community Health to Use Areas Within the Banora Point Multi-Purpose Centre

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

C 58 RECOMMENDATION:

RECOMMENDED that this deferred item be dealt with.

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

REPORTS THROUGH ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

Nil.

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

**1 [OGM] Lease or Licence or Agreement for Community Health to Use
Areas Within the Banora Point Multi-Purpose Centre**

REASON FOR CONFIDENTIALITY:

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- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

C 59 RECOMMENDATION:

RECOMMENDED that:-

1. Council enters into a lease or licence or agreement with Community Health Northern for the use of designated areas within the Banora Point Multi-Purpose Centre.
2. The six (6) issues as stated in Council's letter of 4 March 2005 and agreed to by Community Health on 18 March 2005 form the basis of the lease or licence or agreement.
3. The period of use of the designated areas within the Banora Point Multi-Purpose Centre be in perpetuity, or until such time as the parties agreed to withdraw from the agreement by mutual consent.
4. All necessary documentation be executed under the Common Seal of Council.

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

AGAINST VOTE - Cr Murray, Cr Brinsmead, Cr Beck

ABSENT. DID NOT VOTE - Cr Bell

367 RESOLUTION:

**Cr H James
Cr M R Boyd**

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

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

There being no further business the Meeting terminated at 6.42pm.



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 32 of these Minutes**

Chairman