

IN ATTENDANCE

Administrators Mr Garry Payne (Director General, Department of Local Government), Ms Lucy Turnbull, Mr Max Boyd.

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 Kerrie McConnell (Minutes Secretary)

Address by Administrator Mr Garry Payne, Director General, Department of Local Government

Administrator Payne thanked those present for their interest and stated:

"Our role as three Administrators is to provide effective governance and leadership over the next three (3) + years.

Replacing eleven (11) Councillors with three (3) Administrators does reduce the level of exposure for public interaction but its our strong desire to be available as much as is possible given other commitments.

We also are committed to acting in an open, fair and transparent way and to putting the interests of the Tweed area at the forefront of our considerations and decisions.

No doubt over time there will be some decisions with which some people or groups may not agree. We respect your right to oppose and to provide other options. Our decisions will be taken with the overall interests of the entire Shire, both in the short and long terms, in mind.

What we can guarantee everyone is that all views will be considered. This is a local government area with tremendous potential to continue to be a great place to live and work or both, or indeed just to relax. Balancing competing demands in an environment such as this will no doubt be a challenge.

With community support and understanding we are sure we can meet those challenges."

PRAYER

The meeting opened with a Prayer by Council's General Manager, Dr John Griffin:

"Almighty God, give wisdom to all those who exercise authority in government and particularly in Tweed Shire.

During this time of change help us all to be good and faithful servants and to serve both your will and the community will.

Amen”

CONFIRMATION OF MINUTES

Minutes of the Council Meeting held Wednesday 18 May 2005

395 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That the Minutes of the Council Meeting held 18 May 2005 be adopted as a true and accurate record of proceedings of that meeting.

It was noted that Administrator Payne and Administrator Turnbull were not present at the meeting of 18 May 2005.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

396 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

That this report be received and noted.

FOR VOTE - Unanimous

ITEMS DEFERRED

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

397 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this item be deferred, together with the further report, being Item 8 (Minute No. 399 refers).

FOR VOTE - Unanimous

[ID] [EO] Seaside City Road Network

398 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this Item, Item 12 and Item 27 be deferred.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

399 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

That the reports from the Director Planning & Environment, with the exception of Item 9 (Minute No. 400 refers), be deferred for consideration at the first Planning Committee Meeting.

FOR VOTE - Unanimous

1 [PE] Amendment to Section 94 Contribution Plan No. 6 - Street Trees

This item was deferred to the Planning Committee (Minute No. 399 refers).

2 [PE] Amendment to Section 94 Contribution Plan No. 7 - West Kingscliff

This item was withdrawn at the request of the Director Planning & Environment to consider a response to the Draft Contribution Plan received within the exhibition period.

3 [PE] Amendment to Section 94 Contribution Plan No. 10 - Cobaki Lakes

This item was deferred to the Planning Committee (Minute No. 399 refers).

4 [PE] Amendment to Section 94 Contribution Plan No. 12 - Bus Shelters

This item was deferred to the Planning Committee (Minute No. 399 refers).

5 [PE] Amendment to Section 94 Contribution Plan No. 13 - Cemeteries

This item was deferred to the Planning Committee (Minute No. 399 refers).

6 [PE] Amendment to Section 94 Contribution Plan No. 16 - Emergency Facilities (Surf Lifesaving)

This item was deferred to the Planning Committee (Minute No. 399 refers).

7 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 67 - Two Storey Height Limit, SALT, Coast Road, South Kingscliff

This item was deferred to the Planning Committee (Minute No. 399 refers).

8 [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

This item was deferred to the Planning Committee (Minute No. 399 refers).

9 [PE] Finalising of Tweed Local Environmental Plan 2000 (Amendment No. 68) and a Development Application DA04/1100 for a Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point

400 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council: -

1. Forwards a copy of draft Tweed Local Environmental Plan 2000 (Amendment No. 68) to the Minister for gazettal; and
2. Upon gazettal of draft Amendment No. 68 to the Tweed Local Environmental Plan 2000, Development Application DA04/1100 for a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road Hastings Point 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 T1418-N070002, T1418-N070003 and T1418-N070004 prepared by Gridcomm and dated 29/09/2003, except where varied by these conditions. [GEN0010]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
3. 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]

- 4. The proposed development is to be in accordance with the recommendations as detailed in the flora and fauna assessment prepared by Landmark Ecological Services.

[GENNS01]
- 5. 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]
- 6. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

Any application to Council for a construction certificate involving civil works must be submitted on the prescribed form and must include: -

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks

- roadworks
- road pavement
- road furnishings
- stormwater drainage
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

[GEN0140]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. An inspection of the site by a qualified and experienced botanist be conducted prior to clearing to determine the exact location of individual plants previously located across the site.
8. The proposed compound is to be fully clear of the existing right of carriageway within Lot 24. A minor encroachment of 0.38m is currently indicated by the submitted plans.
9. The engineering plans and specifications to accompany the Construction Certificate application shall provide for: -
 - The provision of underground power to the site
 - Relocation of the existing track to be within Lot 24 and the existing right of carriageway
 - Rehabilitation of all disturbed areas
 - A notation is to be placed on the engineering plans such that during the course of construction, the applicant and the civil works contractor are to negotiate with the owner of adjoining Lot 21 DP 1058759 regarding utilization of any excess spoil that would otherwise be removed off site. This spoil may be used to facilitate and improve access to Lot 21 from within Lot 24, provided that:
 - all work is contained within the existing right of carriageway within Lot 24
 - all works are carried out in accordance with sound engineering principles
 - no trees are to be removed
 - no detrimental effects are caused to the surrounding flora
 - Council is consulted and concurrence is obtained prior to any such work commencing
10. Prior to issue of a Construction Certificate an operation plan shall be prepared that details measures to prevent fires igniting during the construction of the proposed Communications Facility. This should include, but not be limited to the following:

[PCCNS01]

- Work involving risk ignition should not be carried out during total fire bans.
- Availability of fire suppression equipment.
- Storage and maintenance of fuels and other flammable materials.

[PCCNS02]

11. 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]

PRIOR TO COMMENCEMENT OF WORK

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]

DURING CONSTRUCTION

15. 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]

16. 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]

17. 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]

18. 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]

19. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

20. 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]

21. 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]
22. 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]
23. The burning of builders waste on site by open fire is prohibited. [DUR0940]
24. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR0980]
25. The construction of the proposed Telecommunications Facility shall withstand 60kW/m². (However please note the expected radiation level at the site during a fire could be around 112kW/m² which may be factored into the construction of the facilities) [DURNS01]
26. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval. [DUR0020]
27. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0150]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. 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]
29. 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]
30. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.
[POC0060]
31. A lease agreement with Council is to be finalised prior to the issue of any Occupation Certificate.
32. An Easement for Services is to be created over any new telecommunication or electrical supply works that are not located within the existing Easement for Services.
[POCNS01]

USE

33. 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]
34. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USE0170]
35. Acid Sulfate soils shall not be exposed or disturbed.
[USENS01]
36. Lighting shall not be permitted to impact the amenity of any other premise.
[USENS02]
37. All works shall comply with the recommendations of the Survey of Proposed Telecommunications Base Station at Bogangar, Landmark Ecological Services P/L, May 2004 with respect to protection and management of flora and fauna.
[USENS03]

38. The area around the Telecommunications Facility within the compound shall be maintained as an 'Inner Protection Area' (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

[USENS04]

39. That the new access track from the reservoir to the compound be suitably sealed.

FOR VOTE - Unanimous

- 10 [PE] Development Application DA04/0517 for Demolition of Existing Dwelling and Erection of Multi Dwelling Housing Comprising of Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point**

This item was deferred to the Planning Committee (Minute No. 399 refers).

- 11 [PE] Development Application DA04/0449 for a dual occupancy & demolition at Lot 475 DP 755740, No. 10 Charles Street Tweed Heads**

This item was deferred to the Planning Committee (Minute No. 399 refers).

- 12 [PE] Tweed Local Environmental Plan 2000 (Amendment No. 3) Seaside City**

This item was deferred to the Planning Committee (Minute No. 398 refers).

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

- 13 [OGM] Management Plan 2005/2008 and Budget 2005/2006**

401 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

That this item be deferred to the next Council meeting.

FOR VOTE - Unanimous

14 [OGM] Community Based Broadband Demand Aggregation Brokers Program

402 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

That Council confirms its commitment to the Community Based Broadband Demand Aggregation Brokers Program and votes a contribution of \$10,000 from the Rural Villages Development Program 2005/2006 towards the cost of the project.

FOR VOTE - Unanimous

15 [OGM] Sustainable Regions Program

403 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That:-

1. Council endorses Variation (2) of the Funding Contract for the Sustainable Regions Program between the Commonwealth of Australia, represented by the Department of Transport and Regional Services and the Tweed Shire Council to cover the period 14 May 2005 to 31 December 2005 and votes the expenditure of \$79,235.
2. All the documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

16 [OGM] 92.5 Gold FM Give Me Five for Kids' 2005 Appeal

404 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

That Council:

1. Refuses the application; and

2. Draws to the attention of the radio station Council's Donations Policy.

FOR VOTE - Unanimous

17 [OGM] Employer Superannuation Contributions 2006/2007

405 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this report be received and noted.

FOR VOTE - Unanimous

18 [OGM] Tweed Shire Council Public Inquiry

406 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this report be received and noted.

FOR VOTE - Unanimous

19 [OGM] Advice Tweed Shire Council Public Inquiry

407 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this item be received and noted.

FOR VOTE - Unanimous

LATE ITEM

408 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

That Item a19 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

a19. [OGM] Code of Meeting Practice

409 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

That this report be received and noted.

FOR VOTE - Unanimous

410 COUNCIL DECISION:

Administrator Turnbull
Administrator Boyd

That in order to provide public participation and involvement in Council decisions relating to planning and development in the local government area, that a Planning Committee be established to consider:-

- development applications
- planning strategy, policy and development controls

The Planning Committee shall meet no less than once a month (excluding official recess periods) to consider matters. Interested parties shall have a right to attend and make submissions to the Council on items of interest. A Code of Practice for the Planning Committee shall be provided at each Planning Committee meeting.

That in order to provide public participation and involvement in Council decisions relating to property and assets in the local government area, that a Finance, Property & Assets Committee be established.

The Finance, Property & Assets Committee shall meet no less than once a month (excluding official recess periods) to consider matters. Interested parties shall have a right to attend and make submissions to the Council on items of interest. A Code of Practice for the Finance, Property & Assets Committee shall be provided at each Finance, Property & Assets Committee meeting.

Community Access forum shall continue to be held to consider other matters of public interest at times to be determined.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

20 [EO] Land Acquisition for Road Purposes and Compensation - Minnows Road, Fernvale

411 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That:

1. Council approves the acquisition of Lots 1 to 3 in DP 1078145 for public road and the acquisition of Lot 4 in DP 1078145 for compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act 1993;
2. Lots 1, 2 and 3 in DP 1078145 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

21 [EO] Creation of Easement - Council Land at Bray Park

412 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That:-

1. Council approves the creation of a Power Reticulated Easement for Substation Purposes over the land to be consolidated, comprising of Lot 1 in DP 445752, Lot 92 in DP 621415 and Lot 103 in DP 616049, at Bray Park; and
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

22 [EO] Tyalgum Pre-School - Lease of Lots 110 and 111 in DP 1061262 at Carraboi Terrace, Tyalgum

413 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That:-

1. Council approves entering into a Lease Agreement with the Tyalgum Pre-School Committee for a Lease Agreement over Lots 110 and 111 in DP 1061262 at Carraboi Terrace, Tyalgum for a term of five (5) years at annual rental of \$1.00 and an option for a further five (5) years; and
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

23 [EO] Road Re-Naming - Chinderah Bay Drive, Chinderah

414 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That :-

1. Council publicises its intention to re-name that part of Chinderah Bay Drive north of Waugh Street allowing one month for submissions and / or objections to the name:

"Chinderah Bay Drive North"; and
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994

FOR VOTE - Unanimous

24 [EO] Compulsory Acquisition of Lot 3 in DP 1064338 for Road Purposes - River Terrace, Tweed Heads

415 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That:-

1. Council rescinds resolution number 68 of 2 February 2005;
2. Council approves an application being made to the Minister for the compulsory acquisition of Lot 3 in DP 1064338 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act;
3. Council dedicates Lot 3 in DP 1064338 as road following acquisition; and
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

25 [EO] Compulsory Acquisition of Land for Road Purposes - Cudgen

416 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That :

1. Council approves the compulsory acquisition of a 20 metre strip of land along the northern boundary of Lot 2 in DP 529569 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993;
2. The land acquired be dedicated as road following the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

26 [EO] Letitia Road - Access to Tweed River Sand Bypass System

417 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That staff organises a round table discussion with interested parties to discuss the stabilisation trial of the unsealed pavement of Letitia Road.

FOR VOTE - Unanimous

27 [EO] Seaside City Road Network

This item was deferred (Minute No. 398 refers).

28 [EO] Draft Plan of Management - Lot 1 DP 1009649 - Minjungbal Drive / Heffron Street, Tweed Heads (Skate Park Site)

418 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That under the provisions of Section 36 of the Local Government Act 1993, the Draft Plan of Management for Lot 1 DP 1009649 - Minjungbal Drive/Heffron St, Tweed Heads be placed on exhibition for 28 days allowing a submission period of 42 days. During the exhibition and submission period, a public meeting is to be held in respect of the plan.

FOR VOTE - Unanimous

29 [EO] Tweed Coastline Management Plan - Finalised Report

419 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this item be deferred to the Finance, Property and Assets Committee.

FOR VOTE - Unanimous

30 [EO] Kingscliff STP - Status May 2005 - EC2005-033

420 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

That:

1. Council receives and notes this report.
2. A briefing be provided to the Administrators on the background issues relating to this site, including any contentious development issues.

FOR VOTE - Unanimous

31 [EO] Tyalgum Water Supply Upgrade

421 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council:

1. Adopts the concept report including the preferred option of a new water treatment plant for the Village of Tyalgum.
2. Expend \$5,000 to detect and repair leakage.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

32 [EC] Loan of Grand Piano

422 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

That Council refuses the request for the use of the grand piano by the Northern Rivers Conservatorium Arts Centre Inc.

FOR VOTE - Unanimous

33 [EC] Requests for "In Kind" Support/Waive Fees

423 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council approves the full fee waivers for:

1. Northern Rivers Regional Development Board
2. NSW Police Service - Tweed / Byron Local Area Command
3. Twin Towns Family History Group Inc.
4. Far North Coast Disability Interagency, Education, Training and Employment

5. Tweed Australian South Sea Islander Community Inc.
6. Tweed Byron Aboriginal Land Council
7. Rotary Club of Mt Warning AM (Murwillumbah)

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 1 **[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2005**

424 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That the Minutes of the Aboriginal Advisory Committee be endorsed with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous

[SUB-AAC] 2. Aboriginal Administration Position within Council

425 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council:

1. Contacts Jess McHugh regarding the possibility of the position of Lesley Mye, Indigenous Support Worker, be filled utilising the funds available through Yabua Yelgun via the Community Development Employment Program.
2. Explores other funding opportunities including the Elsa Dickson Program.

FOR VOTE - Unanimous

[SUB-AAC] 1. NSW Local Government Aboriginal Network Conference

426 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council sends two (2) Aboriginal people from the Tweed, nominated by the Aboriginal Advisory Committee to attend the conference at Council's cost (costs include conference fees, flights, accommodation, food, car hire and incidental expenses).

427 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That in view of Council's recent decision to fly both the Aboriginal and Torres Strait Islander flags daily, that it is the wish of the Aboriginal Community to have a formal flag raising ceremony. It is recommended that the ceremony be undertaken on a weekend (Saturday) as soon as possible. The ceremony shall incorporate a morning tea and invitations extended to the Administrators, Justine Elliott and Elders to attend.

FOR VOTE - Unanimous

[SUB-AAC] 5. Upgrade of Border Caravan Park

428 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That this item be referred to Council's Executive Management Team for consideration and report to Council after the 2005/2006 Budget is finalised.

FOR VOTE - Unanimous

2 [SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 21 April 2005

429 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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

FOR VOTE - Unanimous

[SUB-TAC] BA6. Access to Library – Tweed Heads Civic Centre

430 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council modifies the external Disability Ramp at the Tweed Heads Civic Centre, in line with the preferred option as outlined in the attached report.

FOR VOTE - Unanimous

[SUB-TAC] BA7. Footpath Access - Kennedy Drive

431 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council pursues the issue of Country Energy power poles impeding safe access on the Kennedy Drive footpath between Second Avenue and Boyds Bay Bridge, as the matter is of grave concern to this Committee.

FOR VOTE - Unanimous

[SUB-TAC] BA1. Kingscliff Pool Disability Hoist

432 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That Council further researches conversion of manual hoists to hydraulic hoists at each of the Council pools and that attention be drawn to the fact that this provision is for equity of independent access under the Disability Discrimination Act.

FOR VOTE - Unanimous

3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 May 2005

433 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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

FOR VOTE - Unanimous

**[SUB-LTC] BA4. Numinbah Road, Chillingham (Crystal Creek Bridge)
DW1183190; R3780 Pt4; Traffic - Committee; Bridges - Crystal Creek**

434 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That a 'Give Way Ahead' sign be installed on the south eastern approach to the Crystal Creek Bridge on Numinbah Road.

FOR VOTE - Unanimous

[SUB-LTC] BA7. Miles Street and Ourimbah Road, Tweed Heads

DW1181947; R3340 Pt5; R3970 Pt2; Traffic - Safety

435 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That 'Reduce Speed' warning signage and 'Intersection Ahead' warning signs be installed on Miles Street for southbound traffic at the border.

FOR VOTE - Unanimous

[SUB-LTC] BA12. Old Ferry Road

Traffic - Safety; R3861 Pt1; GS4/95/92 Pt4 - DW1153559; DW1181005; DW1198683

436 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That a 'Stop' sign be installed at the exit from the development on to Old Ferry Road from the property.

FOR VOTE - Unanimous

[SUB-LTC] 2. Kennedy Drive, Tweed Heads West and Florence Street and Powell Street, Tweed Heads

R2830 Pt7; DW1196843; R2100 Pt2; Transport - Bus Services- Stops

437 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That the provision of a bus post adjacent to the Matilda Motel in Kennedy Drive be approved and installed by Surfside Buslines.

FOR VOTE - Unanimous

[SUB-LTC] 8. Bailey Street, Tweed Heads West

DW1202357; Bailey Street; Sportsfield - Piggabeen Sporting Complex; Traffic - Parking Zones

438 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That 'No Parking on Match Days' signage be installed on both sides of Bailey Street. The Football Club to ensure signage of next match days be promoted with appropriate signage in Carramar Drive. Such signage not to be installed until the overflow car park is ready for use.

FOR VOTE - Unanimous

[SUB-LTC] 10. Old Ferry Road, Oxley Cove

R3861 Pt1; DW1204130; 1204137; Traffic- Safety; Speed Zones

439 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That:-

1. Council write to the local real estate agents advising them that providing any signage in the road reserves is illegal under the Roads Act, however particular concern is the traffic island on the corner of Old Ferry Road and Terranora Road.
2. The businesses that own the signs be advised that signage is not permitted in this location and will be removed and the business involved will be charged all associated costs.

FOR VOTE - Unanimous

[SUB-LTC] 11. Greville Street, South Murwillumbah

**R2320; DW1200182; Traffic Committee; School Zones;
Transport - Bus Services - Stops; School - St Josephs**

440 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That the school bus zone signage on Greville Street be changed to:-

8:00am - 9:30am
2:30pm - 4:00pm

FOR VOTE - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

Nil.

WORKSHOPS

Nil.

QUESTION TIME

[QT] Unauthorised Clearing of Land - Seaside City

Administrator Boyd

Asked if Richtech has submitted a plan of restoration for the unauthorised clearing of land in the coastal reserve adjacent to Seaside City around mid 2004? If not, has the Director commenced legal proceedings against the company as resolved by Council?

The Director Planning & Environment advised that he would make a presentation at the Planning Committee meeting on 15 June 2005.

COMMITTEE OF THE WHOLE

441 COUNCIL DECISION:

Administrator Boyd Administrator Turnbull

That Council resolves itself into a Confidential Committee of the Whole.

FOR VOTE - Unanimous

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] Contract EC2005-058 Supply of Retail Electricity

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

C89 COUNCIL DECISION:

That Council:-

1. Awards the contract EC2005-058 Separable Portion 1 for the supply of retail electricity for the twenty four (24) council contestable sites to the tender submitted by Energex Retail Pty Ltd for the contract period of three (3) years to commence 1 July 2005 and end 30 June 2008.
2. Awards the contract EC2005-058 Separable portion 2 for the supply of retail electricity for Council Street Lighting program submitted by Energex Retail Pty Ltd for the contract period to commence 1 January 2006 and end 30 June 2008.

FOR VOTE - Unanimous

2 [EO] EQ2005-061 Drilling and Blasting of Council Quarries

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

C90 COUNCIL DECISION:

That Council:-

1. Awards the Schedule of Rates (as per Table 1 in this report) contract EQ2005-061 for the Drilling and Blasting of Council Quarries to Donnelly Blasting Services Pty Ltd.
2. Votes the expenditure.
3. Advises the unsuccessful tenderers.

FOR VOTE - Unanimous

3 [EO] EC2005-064 Manufacture, Supply, Delivery and Unloading of 150 and 250mm Diameter Pressure Pipe

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

C91 COUNCIL DECISION:

That:-

1. Contract EC2005-064 for the supply of 1130m of PN 12 DN 150mm pressure pipe be awarded to Iplex Pipelines with a GST exclusive price of \$20,340.00.
2. Contract EC2005-064 for the supply of 3554m of PN 16 DN 150mm and 1484m of PN 16 DN 250mm pressure pipe be awarded to Tyco Water with a GST exclusive price of \$214,505.00.
3. The Director Engineering and Operations be given delegated authority to approve variations up to 10% of the total contract amount.
4. Advises the unsuccessful tenderers.

FOR VOTE - Unanimous

442 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 5.07pm.



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

