

IN ATTENDANCE

Administrators Mr Garry Payne, (Chairman), Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Garry Smith (Acting Director Planning & Regulation), Mr Don Buckley (Director Community & Natural Resources), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Maree Morgan (Minutes Secretary)

TRADITIONAL WELCOME TO COUNTRY

Ms Jacqueline McDonald, who is a traditional descendant of the Nganduwal people of the Tweed Valley, in which we stand today, presented a Traditional Welcome to Country Ceremony.

ABORIGINAL STATEMENT

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

There will be an historic moment in the Federal Parliament tomorrow when the Australian Government officially apologises to the stolen generations of Aboriginal and Torres Strait Islanders, their descendants and families.

We understand this apology will recognise past mistreatment of Aboriginal and Torres Strait Islander people and will commit the Parliament to act to ensure past wrongs are not repeated.

Tweed Shire Council applauds this motion in the Federal Parliament tomorrow. We sincerely hope it signals a fresh start in relations between indigenous and non-indigenous Australians and as a nation, we can move towards a common future for all Australians.

PRAYER

The meeting opened with a Prayer by the Hospital Chaplain, Cathy Hulme.

Almighty God, we humbly pray that you will grant your blessing on this meeting today.

Direct and prosper the deliberations for the advancement of this Shire and the true wellbeing of all Tweed Residents, no matter their gender, race and creed.

We pray for the Administrators and staff of council and all those associated with good government in the Tweed Area.

We pray that all goodness flows, and grant all qualities of wisdom, justice and tolerance, that the civic leaders of this community may govern in harmony and concord.

This we ask in Your name.

Amen.

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 22 January 2008

13 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 22 January 2008 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Administrator Boyd advised a non-pecuniary interest relating to Item P2 of the Planning Agenda. His interest is due to a relation living along Tweed Coast Road adjacent to the development.

Note Note from Confirmation of Minutes considered at Council Meeting held 11 March 2008

**23 COUNCIL DECISION:
Administrator Boyd
Administrator Payne**

RESOLVED that the Minutes of the Ordinary Council Meeting held Tuesday, 12 February 2008 be adopted as a true and accurate record of proceedings of that meeting. With the following amendment. ...

Administrator Boyd advised a non-pecuniary interest relating to Item P2 of the Planning Agenda. The nature of the interest is due to a relation having a part ownership of a property on the Tweed Coast Road in close proximity to this proposed development.

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

Nil.

PLANNING COMMITTEE

14 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

RESOLVED that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Boyd.

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [EO-PC] S94 Developer Infrastructure Contributions Proposed Changes by NSW Government

P 7 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that due to the adverse impacts of the proposals in NSW Department of Planning Circular PS 07-018 on Local Governments ability to finance and provide the infrastructure necessary to service planned population growth and the long term financial viability of Councils in high growth areas:-

The Minister for Planning be requested to defer implementation of the proposals until there is an inquiry and full consultation with local government to determine the likely impacts on Local Government finances and ability to fund necessary growth related infrastructure and that if appropriate the inquiry make recommendations that would minimise adverse impacts

FOR VOTE - Unanimous

P2 [PR-PC] Development Application DA07/0529 for Multi-Dwelling Housing Comprising 20 Units in a Three (3) Storey Configuration at Lot 1 DP 717669, No. 79-83 Tweed Coast Road, Hastings Point

DECLARATION OF INTEREST

Administrator Boyd declared a non-pecuniary interest in this item because he has relatives living close to this development.

In accordance with the Proclamation dated 25 May 2005, because of the lack of a quorum to discuss this matter, due to the declaration of a non-pecuniary interest by Administrator Boyd, Council must request the Minister for Local Government to appoint a substitute Administrator for the determination of this specific matter and therefore this matter could not be considered.

P3 [PR-PC] Development Application DA07/0226 for a Dwelling at Lot 1 DP 1075086, No. 27 Vulcan Street, Kingscliff

**P 8 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne**

RECOMMENDED that: -

1. State Environmental Planning Policy No. 1 objection to Clause 34B(4)(b) of the North Coast Regional Environmental Plan regarding shadowing of the foreshore be supported and the concurrence of the Director-General of the Department of Planning be assumed.
2. Development Application DA07/0226 for a dwelling at Lot 1 DP 1075086, No. 27 Vulcan Street, Kingscliff 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 1-12 prepared by Parameter Designs and dated 5th October 2007, except where varied by the conditions of this consent.

[GENNS01]

2. Privacy screens to a height of a least 1.8 metres are to be provided on the eastern and western sides of the rear verandas at the first and second floor levels, details of which are to be provided to Council for approval prior to issue of the construction certificate.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and

Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

5. 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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

PRIOR TO COMMENCEMENT OF WORK

6. 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
 - c. 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
 - d. 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.

[PCW0215]

7. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) 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

[PCW0245]

8. 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.

[PCW0255]

9. 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.

[PCW0225]

10. 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 Principal Certifying Authority prior to commencement of building works.

[PCW1005]

11. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

This sign is to remain in position for the duration of the project.

[PCW0985]

12. Residential building work:

a. 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:

(i) in the case of work for which a principal contractor is required to be appointed:

* in the name and licence number of the principal contractor, and

* the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

* the name of the owner-builder, and

* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

b. 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.

[PCW0235]

DURING CONSTRUCTION

13. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

14. 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 was made).

[DUR0375]

15. 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.

[DUR2185]

16. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
[DUR0905]
17. 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.
[DUR0395]
18. 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.
[DUR0405]
19. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
[DUR0415]
20. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
21. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 7.00pm
No work to be carried out on Sundays or Public Holidays
The proponent is responsible to instruct and control subcontractors regarding hours of work.
[DUR0205]
22. 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.
[DUR0245]
23. 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.

[DUR2485]

24. Plumbing

- 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.

[DUR2495]

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

[DUR1945]

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

[DUR2515]

27. 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.

[DUR2545]

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

[DUR0445]

29. 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.

[DUR2555]

30. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. A person must not commence occupation or use of the whole or any part of a new building or structure (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).

[POC0205]

32. 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.

[POC0265]

33. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

USE

34. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of offensive, or intrusive noise to any occupant of neighbouring or adjacent premises.

[USE0235]

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

[USE0505]

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

FOR VOTE - Unanimous

P4 [PR-PC] Review of Determination of Development Application DA06/0640 for Dwelling Additions, Fence & Gatehouse at Lot 16 DP 244426, No. 44 Oyster Point Road, Banora Point

The following persons addressed the meeting of the Planning Committee on this matter.

Mr Mark McDonald

P 9 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the Review of Determination of Development Application DA06/0640 for dwelling additions, fence & gatehouse at Lot 16 DP 244426, No. 44 Oyster Point Road, Banora Point be refused and the original decision by the Development Assessment Panel at its meeting of 2 May 2007 to refuse the application be amended as follows: -

1. Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development does not achieve a high quality design and would adversely affect the secondary streetscape in Adina Place.
2. Pursuant to the provisions of Section 79C (1)(d) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard for the public submission, the development is unsuitable with respect to the bulk and setback of the three storey addition.

FOR VOTE - Unanimous

P 10 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the Planning Committee resumes in open Council under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

15 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Planning Committee held Tuesday 12 February 2008 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

16 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

RESOLVED that Council resolves itself into the Operations Committee under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

O1 [GM-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - October to December 2007

O 25 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that Council receives and notes the quarterly report from Tweed Economic Development Corporation for the quarter October to December 2007.

FOR VOTE - Unanimous

O2 [GM-OC] Tweed Tourism Financial Report - 2006/07 and Quarterly Performance Report – October to December 2007

O 26 COUNCIL DECISION:
Administrator Boyd
Administrator Payne

RESOLVED that Council endorses the:

1. Tweed Tourism Quarterly Report for the quarter from October to December 2007.
2. Tweed Tourism Financial Statement for Year Ending 30 June 2007.

FOR VOTE - Unanimous

O3 [PR-OC] Draft Tweed Local Environmental Plan 2008 Exhibition Fees and Charges

O 27 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that Council advertises the fees and charges identified within this report for the sale of exhibition material relating to Draft Tweed Local Environmental Plan 2008 in accordance with Section 610F of the Local Government Act, 1993.

Description

Cost

Compact Disc containing the Written Instrument and a full set of Draft LEP 2008 Maps	\$5
Full set of printed Draft LEP 2008 Maps (A3)	\$1100
Single print Draft LEP 2008 Map (A3)	\$15
Printed Written Instrument	\$30

FOR VOTE - Unanimous

O4 [TCS-OC] Quarterly Budget Review - 31 December 2007

**O 28 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne**

RECOMMENDED that the:-

1. Quarterly Budget Review Statement as at 31 December 2007 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2008.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	242,650	0
Interest	0	0
Capital	670,000	0
Loan Repayments	0	0
Transfers to Reserves	130,000	0
	1,042,650	0
<u>Income</u>	0	0
Operating	0	242,650
Capital Grants & Concs	0	50,000
Loan Funds	0	0
Recoupments	0	600,000
Transfers from Reserves	0	150,000
Asset Sales	0	0
	0	1,042,650
Net Surplus/(Deficit)		0

Description	Change to Vote	
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	0	392,297
Interest	0	0
Capital	0	2,095,000
Loan Repayments	0	0
Transfers to Reserves	422,297	0
	<u>422,297</u>	<u>2,487,797</u>
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	250,000	0
Recoupments	246,764	0
Transfers from Reserves	1,568,736	0
	<u>2,065,500</u>	<u>0</u>
Net Surplus/(Deficit)		<u>0</u>
Sewer Fund		
<u>Expenses</u>		
Operating	0	339,154
Interest	0	0
Capital	0	2,325,000
Loan Repayments	0	0
Transfers to Reserves	575,832	0
	<u>575,832</u>	<u>2,664,154</u>
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	169,322	0
Loan Funds	4,071,000	0
Recoupments	0	3,042,000
Transfers from Reserves	890,000	0
Asset Sales	0	0
	<u>5,130,322</u>	<u>3,042,000</u>
Net Surplus/(Deficit)		<u>0</u>

FOR VOTE - Unanimous

O5 [TCS-OC] Write off Rate Charges and Interest

O 29 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that all rates, charges and interest totalling \$7,599.83 (\$6,529.90 rates and charges and \$1,069.93 interest) relating to Lot 18 SP 70762 Property No 80550, be written off and abandoned under Section 607 of the Local Government Act 1993 as being unrecoverable. AAC Tiltwall Constructions Pty Ltd has no assets

and transfer of debt to the Owners Corporation would place an unfair financial burden on the other lot owners and difficult to recover.

FOR VOTE - Unanimous

O6 [TCS-OC] Policy - Dealing with Difficult People

O 30 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that Council:-

1. Deletes the existing "Quality Customer Service Standard and Dealing with Difficult People Policy".
2. Adopts the Dealing with Difficult People Policy.

FOR VOTE - Unanimous

O7 [TCS-OC] Monthly Investment Report for Period Ending 31 January 2008

O 31 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 January 2008 totalling \$120,517,590.37 be received and noted.

FOR VOTE - Unanimous

aO7 [TCS-OC] Corporate Quarterly Report - October to December 2007

O 32 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 October to 31 December 2007.

FOR VOTE - Unanimous

O8 [EO-OC] Consent to Easement to Drain Water within Lot 2 DP 534521 at Murwillumbah STP

O 33 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that all documents relating to the creation of the Easement to Drain Water within Lot 2 in DP 534521 be signed under the Common Seal of Council.

FOR VOTE - Unanimous

O9 [EO-OC] Acquisition of Land for Road Purposes - Richards Deviation

O 34 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that:-

1. Council approves the amount of \$1,120.00 compensation payable to the landowner; and
2. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O10 [EO-OC] Naming of Public Road, Farrants Road Farrants Hill

O 35 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that:-

1. Council adopts the name of "*Farrants Road*", being the road reserve from Eviron Road, Eviron to Clothiers Creek Road, Farrants Hill; and
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

FOR VOTE - Unanimous

O11 [EO-OC] Release of Restriction on Use Created in DP 1087716 and 1092331 - Tweed Coast Road, Casuarina

O 36 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that:-

1. Council approves the release of the Restriction on Use "C" created in DP 1087716 affecting Lots 358 to 372;
2. Council approves the release of the Restriction on Use "C" created in DP 1092331 affecting Lots 458 and 459; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O12 [EO-OC] EC2007-130 Tweed Valley Floodplain Risk Management Study and Plan – Acceptance of Consultant's Tender

O 37 COMMITTEE DECISION:
Administrator Boyd
Administrator Payne

RECOMMENDED that:-

1. Council awards Contract EC2007-130 for the Tweed Valley Floodplain Risk Management Study and Plan to BMT WBM Pty Ltd for the amount of \$269,700 (GST exclusive).
2. The allocation of additional Council funds (ie. \$70,000) to provide Council's matching component of the estimated additional costs for the project be included in Council's 2008/2009 budget
3. Subject to 2. above, the General Manager be given delegated authority to approve variations up to 22% of the initial contract sum for the purpose of additional work and surveys required for the project.
4. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their

competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

FOR VOTE - Unanimous

O13 [CNR-OC] Financial Assistance for Implementation of the Tweed Coastline Management Plan 2007/08

O 38 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that Council:-

1. Accepts the grant of \$115,000 for implementation of the Tweed Coastline Management Plan in accordance with the Conditions for Financial Assistance as set out in the offer of financial assistance from the Minister for Climate Change, Environment & Water dated 20 December 2007.
2. Votes the expenditure of matching funds from existing budget areas.

FOR VOTE - Unanimous

O14 [CNR-OC] Financial Assistance for Implementation of the Tweed Estuary Management Plan 2007/08

O 39 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that Council:-

1. Accepts the grant of \$150,000 for implementation of the Tweed Estuary Management Plan and \$50,000 for implementation of the Tweed Coast Estuaries Management Program Stage 9, in accordance with the Conditions for Financial Assistance as set out in the offer of financial assistance from the Minister for Natural Resources dated 20 December 2007.
2. Votes the matching expenditure of \$150,000 from the Tweed Estuary Management Program and \$50,000 from the Tweed Coast Estuaries Management Program.

3. Allocates the balance of \$350,000 from the Tweed Estuary Management Program to Catchment Management Projects administered by the Tweed River Committee and to leverage additional funds from both State and Commonwealth Government NRM funding programs.

FOR VOTE - Unanimous

O15 [CNR-OC] Request for "In Kind" Support/Waive Fee

O 40 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that Council with reference to the request from Country Women's Association of NSW, Far North Coast Group, Council approves the request for a waiver of fee for the erection of a welcoming banner for the State Conference at Tweed Heads for two weeks, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O 41 COMMITTEE DECISION:

Administrator Payne

Administrator Boyd

RECOMMENDED that the Operations Committee resumes in open Council under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

17 COUNCIL DECISION:

Administrator Payne

Administrator Boyd

RESOLVED that the recommendations of the Operations Committee held Tuesday 12 February 2008 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

18 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] - Signing of Documents

19 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

ORDERS OF THE DAY

[SUB-CDAC] Minutes of the Community Cultural Development Advisory Committee Meeting held Tuesday 18 December 2007

20 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the:-

1. Minutes of the Community Cultural Development Advisory Committee Meeting held Tuesday 18 December 2007 be received and noted; and
2. Director's recommendations be adopted as follows:-

- 1. Treasures of the Tweed Mural Project**

As per the Director's Comments being:

That the recommendation regarding the Tweed Mural Project be referred to the Director Community & Natural Resources for inclusion.

- 2. Tweed Shire Council contribution to Arts Northern Rivers and Creative Industry Strategy**

As per the Committee's recommendation being:

That Council provides in-principle support to the Arts Northern Rivers Creative Industry Strategy subject to the representatives of the Community Cultural Development advisory Committee contributing to the development of the research project brief and ongoing participation in this project.

FOR VOTE - Unanimous

[SUB-DAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 20 December 2007

21 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the:-

1. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 20 December 2007 be received and noted; and
2. Director's recommendations be adopted as follows

2. Disability Issues in Tweed Shire

As per the Committee's recommendation:

That a report be prepared identifying the need for further disability service provision in the community by Council.

FOR VOTE - Unanimous

[NOM] Mayoral Election

22 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that conditions contained within Minute Nos O185 and 565, from the Operations Committee and Council Meetings respectively held 16 November 2005, referring to the conducting of a referendum on the issue of a popularly elected Mayor as follows:

"...3. Council conducts a referendum on the issue of a popularly elected Mayor to be held in conjunction with the 2008 Council elections."

and

"...5. Council prepare a paper, prior to the election, to be communicated in the Tweed Link setting out the options of advantages and disadvantages of having a popularly elected Mayor, with Administrators to assist with the case study."

be rescinded.

FOR VOTE - Unanimous

QUESTION TIME

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

Nil.

There being no further business the Meeting terminated at 5.38pm



**Minutes of Meeting Confirmed by Council
at Meeting held**

Chairman