

The Meeting commenced at 2.00 pm.

## **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 Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Ms Genevieve Slattery (Executive Officer), Mrs Meredith Smith (Secretariat Coordinator) and Maree Morgan (Minutes Secretary)

## **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."*

## **PRAYER**

The meeting opened with a Prayer by Administrator Payne.

## **PRESENTATION OF COMMUNIQUÉ FROM TWEED YOUTH 20/20 SUMMIT**

Presentation of the Communiqué was made to the meeting by Teleah Andrews (Wollumbin High School), Alexandra Rose and Jordan Pollack (Lindisfarne Anglican Grammar School) following the 20/20 Youth Summit, which was held during the Local Government Week in August 2008.

## **CONFIRMATION OF MINUTES**

**Minutes of the Ordinary and Confidential Council Meetings held Tuesday 12 August 2008**

### **98 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 12 August 2008 be adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

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**APOLOGIES**

Nil.

**DISCLOSURE OF INTEREST**

Nil.

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

Nil.

**PLANNING COMMITTEE**

Nil.

**OPERATIONS COMMITTEE**

**99 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**

**01 [GM-OC] Federal Funding - Kingscliff CCTV**

**O 235 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Votes the expenditure of the National Community Crime Prevention Program grant funding received from the Federal Attorney General's Department for the supply and installation of a public security CCTV for Marine Parade, Kingscliff; and

2. Adopts the "NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places" as a advisory document for dealing with any CCTV system which covers public places.

***FOR VOTE - Unanimous***

**O2 [TCS-OC] Budget Review - 2007/08 Carry Over Works**

**O 236 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Adopts the Budget Review - 2007/08 Carry Over Works.
2. Votes the expenditure and income as detailed within the report for the year ending 30 June 2009.

***FOR VOTE - Unanimous***

**O3 [TCS-OC] Write Off Rate Charges and Interest**

**O 237 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council writes off all rates, charges and interest totalling \$1,495.86 (\$1,054.30 rates and charges, \$441.56 interest) and abandoned under Section 607 of the Local Government Act 1993 as being unrecoverable for Property No 79340 and Licence 354414.

***FOR VOTE - Unanimous***

**O4 [TCS-OC] In Kind and Real Donations - April to June 2008**

**O 238 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council notes total donations of \$56,681.36 for the period April to June 2008.

***FOR VOTE - Unanimous***

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**O5 [EO-OC] Road Closure Application - Parish of Mooball**

**O 239 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Objects to the closure of the section of Crown Road reserve being 14m wide west of Lot 8 in DP 262229 at Wooyung.
2. Makes application to the Department of Lands for the transfer of the full width of Crown road reserve west of Lot 8 in DP 262229 heading north to the southern boundary of Lot 42 in DP 870680 then east to Lot 183 in DP 755721

***FOR VOTE - Unanimous***

**O6 [EO-OC] Naming of Public Bridge, Kyogle Road, Kunghur**

**O 240 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council adopts the name of "*Jack Hall Bridge*", being the newly upgraded bridge over Perch Creek at Kunghur; and
2. The naming of the public bridge be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

***FOR VOTE - Unanimous***

**O7 [EO-OC] Road Closure Application - Parish of Chillingham**

**O 241 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council objects to the closure of the section of Crown road reserve which runs from Hoggs Road east through Lot 28 in DP 755696 then south leading to the Oxley River;
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2. Council does not object to the closure of the road reserve, which runs along the eastern boundary of Lot 28 in DP 755696 north to south up to where it adjoins the Crown Road reserve running east west, and purchase by the adjacent landowner;
3. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
4. The title of the closed road be consolidated with the adjacent land at the applicants cost;
5. Easements be created over public authority reticulation services, if any; and
6. All necessary documentation be executed under Common Seal of Council.

***FOR VOTE - Unanimous***

**O8 [EO-OC] Application to Close and Purchase Part of Road Reserve - Parish of Kynnumboon**

**O 242 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council approves the closure of part of the road reserve that runs along the northern and eastern boundary of Lot 2 in DP 806118;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. The title of the closed road be consolidated with the adjacent land at the applicants cost;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

***FOR VOTE - Unanimous***

**O9 [EO-OC] Application to Close and Purchase Part of Road Reserve - Parish of Nullum**

**O 243 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council approves the closure of part of the road reserve, which runs through Lot 10 DP 852395 subject to the section of road reserve on the eastern boundary of Lot 10 adjoining Lot 7 DP 792321 remaining open to allow continuance of the right of carriageway;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. The title of the closed road be consolidated with the adjacent land at the applicant's cost;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

***FOR VOTE - Unanimous***

**O10 [EO-OC] Naming of a Council Public Road - Rose Street**

**O 244 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council publicises its intention to name the road reserve that runs off the western service road, Tweed Heads West as Wollemi Place, allowing one month for objections to the proposal;
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

***FOR VOTE - Unanimous***

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**O11 [EO-OC] AC2008-092 Contract for the Provision and Management of Temporary Staff Services for Tweed Shire Council's Aquatic Facilities**

**O 245 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. The tender from JHA Recruiting and Staff @ Work Pty Ltd be accepted for AC2008-092 for the Provision and Management of Temporary Staff Services for Tweed Shire Council's Aquatic Facilities.
2. The General Manager be given delegated authority to approve variations up to 20% above the initial contract price. Any variations be reported to Council on a quarterly basis.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A (2)(c) or 10A (2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
  - (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

***FOR VOTE - Unanimous***

**O12 [EO-OC] Coastal Risk Assessment and Treatment Plan - Final Draft**

**O 246 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that Council:-

1. Receives the Coastal Risk Assessment and Treatment Plan produced by Australian Coastsafe dated 15 August 2008.
2. Establishes the Beach Safety Liaison Committee to coordinate the implementation of the recommendations within the Coastal Risk Assessment and Treatment Plan.

The committee to consist of two Councillors, Manager Recreation Services, Chairperson of the Coastal Committee, one representative from each of the

Shire's surf clubs and one representative from the Far North Coast Branch of Surf Life Saving NSW.

3. Vary the current contract with Surf Life Saving Services Pty Ltd for the provision of lifeguarding services for the 2008/2009 season to include the level of lifesaving service detailed in section 3.4 of the Coastal Risk Assessment and Treatment Plan for an additional amount of \$210,622.
4. The General Manager be given delegated authority to approve variations up to 20% above the varied contract price. Any variations be reported to Council on a quarterly basis.
5. Installs the safety signage as detailed in section 3.3 of the Coastal Risk Assessment and Treatment Plan as resources allow in accordance with the risk priorities identified in the report.

***FOR VOTE - Unanimous***

**O13 [EO-OC] Tweed Regional Aquatic Centre Draft Schedule of Fees**

**O 247 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

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

***FOR VOTE - Unanimous***

**LATE ITEM**

**O 248 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Item aO13 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

***FOR VOTE - Unanimous***



**a013 [EO-OC] Tweed Regional Aquatic Centre Draft Schedule of Fees**

**O 249 COMMITTEE DECISION:**

**Administrator Payne**  
**Administrator Boyd**

**RECOMMENDED** that Council adopts the following fees and charges for the Tweed Regional Aquatic Centre.

**Tweed Regional Aquatic Centre Fee Schedule 2008 - 2009**

Fee Structure

Tweed Regional Aquatic Centre (TRAC) fee structure has been developed to offer a greater range of choice, a range of lifestyle options that has never been offered before. The following draft information is a guide to the new fee structure and has not been approved. For less than \$2 a day the community can be on the way to living a longer healthier life and greater access to Aquatic Facilities.

<b>ALL POOLS</b>		
		\$
<b>Casual Entry</b>		4.50
Casual entry, family	2 + 2 additional children at \$2	14.00
Children under 3 yrs accompanied by parent or guardian over 18 yrs		Free
Supervisor/Non-swimming		2.00
<b>Indoor Pool</b>		
Aqua aerobics		11.00
Group Swimming lessons Older Adult		12.00
Tethered swimming		Entry + equipment hire
<b>Outdoor Pool Hire</b>		
50 metre pool per hour		250.00
50 metre lane per hour		45.00
<b>Indoor Pool Hire</b>		
Diving Pool per hour		40.00
Diving Pool & Boards per hour		50.00
25 metre Pool per hour		300.00
25 metre lane per hour (3 lane max)		40.00
Learn to Swim per Hour		90.00
Hydro Pool		90.00
<b>Water Slide</b>		
Set time - 2 season per day		Free
Private hire per hour		150.00
Private hire ½ day - 3 hours		350.00
Private hire all day - 6 hours		500.00
<b>School Use</b>		
<b>50 metre pool</b>		
School swim programs		2.50

School Carnivals per hour - shared use -3 lanes	150.00
School Carnivals per Sole use	200.00
<b>25 metre Indoor Pool</b>	
School Phys Ed swim programs ½ hour	2.00
Recreation or Class booking per hour	200.00
<b>Hydro/LTS Pool</b>	
Hydro per hour	40.00
LTS per hour	40.00
Special Ed per season	1.50
<b>TRAC Membership</b>	
	<b>Cost</b>
Gold 12 month individual – Monthly Direct Debit	600.00
Gold 12 month individual concession– Monthly Direct Debit	480.00
Gold 12 month family – Monthly Direct Debit	1500.00
Gold 12 month family concession – Monthly Direct Debit – Additional Children \$40	1200.00
Silver 12 month individual – Monthly Direct Debit	490.00
Silver 12 month individual concession – Monthly Direct Debit	392.00
Silver 12 month family – Monthly Direct Debit – Additional Children \$40	1225.00
Silver 12 month family concession – Monthly Direct Debit– Additional Children \$40	980.00
Bronze 12 month individual	250.00
Bronze 12 month individual concession	200.00
Bronze 12 month Family	550.00
Bronze 6 month individual	135.00
Bronze 6 month individual concession	125.00
<b>Visit Passes</b>	
20 visit pass, adult (includes lap swim)	80.00
20 visit pass, child/concession (as above)	64.00
<b>Other Charges</b>	
Lane rope hire – 50 metre per lane	10.00
Lane Rope hire – 25 metre per lane	8.00
Swim School equipment – class of 10	20.00
Replacement membership bands	6.00
Ezi Pay joining fee	15.00
Birthday parties	Cost +20%
Merchandise	Cost +35%
Additional staff to service group booking out of normal hours – per hour	32.00
Multipurpose room per hour	10.00
General Purpose office	5.00
Table hire	4.00
Chairs	2.00
Dive In Movies	8.00
Cafe Price at 40% to 80% mark up in line with general retailers in town	TBA
Group booking extra cleaning as require post function	At cost
All of Centre hire 24 hours	Negotiated Rate

### **Membership Options**

TRAC will offer everything the family needs to develop and maintain an active and healthy lifestyle, through offering a range of memberships to suit their needs. They are as follows:

- Gold Membership 12 month
- Silver Membership 12 month
- Bronze Membership 12 or 6 month

Monthly Direct Debit is available for these memberships

### **Membership Categories**

**Gold members** have access to the outdoor swimming pool during the summer swimming season, full use of all the indoor Pools and Aqua Aerobic or Hydro classes.

Note: All members must pre book all classes.

Additionally, each Gold Member is entitled to a Personal "On TRAC" Pack, which includes:

- Free TRAC Water Bottle
- Free TRAC Swim Hat
- Free TRAC Goggles
- Free TRAC Gear Bag

**Silver members** have access to the outdoor swimming pool during the summer swimming season, full use of all the indoor Pools.

Each Silver member receives a condensed Personal "On TRAC" Pack, which includes:

- Free TRAC Water Bottle
- Free TRAC Swim Hat
- Free TRAC Goggles

**Bronze members** have access to the outdoor swimming pool during the summer swimming season, and the indoor 25mt Lap Swim Pool only.

Each Bronze member receives a condensed Personal "On TRAC" Pack, which includes:

- Free TRAC Swim Hat
- Free TRAC Goggles

### **Family Memberships**

Family memberships are available to immediate family members only. That is husband/wife or de facto couples and children within that family. All family memberships are for four people with a maximum of 2 adults (16 years of age and

over). Additional children may be added for an additional fee if required. Additional Children \$40.

All memberships can be offered as single, family or single/family concession memberships.

### **Concession Memberships**

Concession memberships will be offer in all categories, in line with Councils policies for community members.

### **Admission & Etiquette**

Staff reserves the right to refuse entry to any person, including members and have the right to cancel memberships without warning or notice. Staff have the right to exit users, visitors and/or members from TRAC for inappropriate behaviour that may be deemed threatening or harassing, for inappropriate use of equipment or behaviour that is perceived to cause risk to equipment or other users, visitors and/or members within the facility.

All users of the facility must comply with TRAC guidelines, conditions of use and policies.

NB: Members will responsible for ensuring their membership is kept current. Members will only be permitted access to the facility if their membership is current or by paying the casual entry fee. Free admission will not be granted under any circumstances.

### **Payment options**

TRAC provides the following two payment options:

Upfront payment for the total amount payable. This may be paid by cash, cheque, or eftpos.

Direct debit payments, where a set monthly amount is automatically transferred from there nominated account (direct debit payments are only available with 12 month memberships).

Memberships are offered as fixed term (6 and 12 month) or perpetual (12month).

### **Direct Debit**

is only available with 12 month memberships:

- any merchant, monthly and/or set up fees incurred through the use of direct debit payments on credit card accounts are additional to TRAC membership fees;
- Payments are deducted on the first day of every month. In the instance where the first day of the month falls on a public holiday payments will be deducted the day prior to;
- Direct debit memberships that are cancelled within the first 4 months will incur a \$100.00 exit fee as outlined in the membership policy.

**Cancellation and/or suspension of memberships**

It is not normal policy of Tweed Regional Aquatic Centre to offer cancellation, transfer, suspension or refund of any membership's fees. However, consideration may be given to individual cases and any extenuating circumstances at the sole discretion of TRAC. It should be noted that any approved membership cancellations may incur a \$100.00 exit fee.

**Crèche**

TRAC recognises the demands of parenting and so provides a crèche (gold coin donation) to give busy mums and dads an opportunity to participate in some of the personal or group Aquatic leisure activities offered at TRAC. The crèche has a maximum capacity of 8 children per session, so bookings are essential. It should be noted that the operational hours of the crèche are continuously reviewed and may change. The crèche service provided is **not accredited** and is for **use of parents using and remaining in the centre at all times**. Minimum age policy applies.

It should be noted that crèche will only operate 3 Mornings per week Monday to Friday.

**Aquatics**

TRAC offers a variety of aquatic activities ranging from aqua aerobics to group and personal swimming lessons. Most of these activities are held in the indoor heated pool with additional lessons in the outdoor pool during summer months.

**Group Fitness**

Group fitness describes the range of exercise classes that are offered at the Centre. Classes currently being offered are as follows:-

- Aqua fit;
- Hydro & Rehabilitation;
- Tether Swim.

**Community Group Bookings**

A 15% discount may be applicable to not for profit community group bookings.

***FOR VOTE - Unanimous***

**O14 [EO-OC] Tender EQ2008-089 Management of Tweed Regional Aquatic Centre**

**O 250 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

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

***FOR VOTE - Unanimous***

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**LATE ITEM**

**O 251 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Item aO14 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

***FOR VOTE - Unanimous***

**aO14 [EO-OC] Tender EQ2008-089 Management of Tweed Regional Aquatic Centre**

**O 252 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:

1. The tender from Alan Male & Associates Pty Ltd be accepted to the value of \$113,522.73 exclusive of GST.
2. The General Manager be given delegated authority to approve variations up to 20% above the initial contract price. (20% up to a maximum of \$150,000 inclusive of GST). Any variations be reported to Council on a quarterly basis.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A (2)(c) or 10A (2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
  - (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.

***FOR VOTE - Unanimous***

**O15 [EO-OC] Fees for New Ashes Interment Sites at Tweed Valley Lawn Cemetery****O 253 COMMITTEE DECISION:****Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council advertises the following draft fees for interments at Tweed Valley Lawn Cemetery for twenty eight (28) days and submissions be invited from the public :-

1. Memorial Cordyline Walk \$950; and
2. Lily Garden \$790.

**FOR VOTE - Unanimous****O16 [EO-OC] Infrastructure Program 2008/2009****O 254 COMMITTEE DECISION:****Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council approves the Infrastructure Program for 2008/2009 as detailed in the report.

**FOR VOTE - Unanimous****O17 [EO-OC] Murwillumbah Memorial Swimming Complex****O 255 COMMITTEE DECISION:****Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:

1. Accepts the Department of Infrastructure, Transport, Regional Development and Local Government grant of \$200,000.00 (Ex GST) for the Hydrotherapy Pool in the Murwillumbah Memorial Pool Complex;
2. Votes the expenditure; and
3. Any documentation be executed under the Common Seal of Council Council's Common Seal.

**FOR VOTE - Unanimous**

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**O18 [CNR-OC] Waste Management Charges**

**O 256 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that in accordance with Section 610F(1)(3) of the Local Government Act 1993, the proposed fee of \$160/tonne to dispose of asbestos contaminated material received from outside Tweed Shire boundaries be placed on public exhibition for 28 days.

***FOR VOTE - Unanimous***

**O19 [CNR-OC] Tweed Coast Regional Crown Reserve Draft Plan of Management - Submission from Tweed River Committee, Tweed Coastal Committee & Natural Resource Management Section**

**O 257 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. The submissions on the Tweed Coast Regional Crown Reserve Draft Plan of Management from the Tweed River Committee be submitted as resolved with the comments from the Natural Resource Management Section to be included in the general submission forwarded by Council to the Department of Lands.
2. Council requests the Department of Lands to work in partnership with Council in determining the final Plan of Management.

***FOR VOTE - Unanimous***

**O20 [CNR-OC] Request for "In Kind" Support/Waive Fee**

**O 258 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council with reference to the request from NSW Department of Education & Training, Far North Coast Network, provides the Murwillumbah Civic Centre free of charge for the Far North Coast/Southern Cross Networks Public Education Awards on 11 September 2008, and that Council's support is recognised



with the following acknowledgement "This programme has been supported by Tweed Shire Council".

**FOR VOTE - Unanimous**

**O21 [CNR-OC] First Round Applications for Financial Assistance 2008/2009 - Donations Policy**

**O 259 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council allocates the first round donations for 2008/2009 under the Donations Policy as follows:-

<b>Applicant</b>	<b>Amount Approved</b>
Riding for the Disabled (NSW) Tweed Valley Centre	\$2,000
Murwillumbah Showground Trust	\$2,000
Tweed Gold Coast Family History & Heritage Association	\$1,848
Uki Public Hall & Recreation Reserve Trust	\$1,200
Mt Warning Community Pre School	\$1,500
Crabbes Creek Community Hall Inc	\$2,000
Camp Quality	\$1,000
<b>Total:</b>	<b>\$11,548</b>

**FOR VOTE - Unanimous**

**O22 [CNR-OC] First Round Applications for Financial Assistance 2008/2009 - Festivals Policy**

**O 260 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council allocates the First Round Donations for 2008/2009 under the Festivals Policy, as follows:-

<b>Applicant</b>	<b>Amount Approved</b>
Emergency Services Day in the Park Committee	\$1,300
Festival of Speed on Tweed	\$7,000
Tweed Shire Senior Citizens Week Committee	\$7,000

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<b>Applicant</b>	<b>Amount Approved</b>
Island Style Promotions on behalf of the Gold Coast Malibu Club	\$2,000
Murwillumbah Community Centre	\$1,300
Tweed Banana Festival	\$7,000
Wollumbin Aboriginal & Torres Strait Islander Community Association	\$7,000
<b>Total</b>	<b>\$32,600</b>

***FOR VOTE - Unanimous***

**LATE ITEM**

**O 261 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that Item aO22 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

***FOR VOTE - Unanimous***

**aO22 [EO-OC] Public Transport Funding under the Federal Safer Suburbs Plan**

**O 262 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. The funding offer by the Australian Government under the Safer Suburbs Plan be accepted in accordance with the draft terms of the funding agreement.
2. The funding agreement be signed under the common seal of Council, if required.

***FOR VOTE - Unanimous***

**O 263 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

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

***FOR VOTE - Unanimous***

**100 COUNCIL DECISION:**

**Administrator Payne  
Administrator Boyd**

**RESOLVED** that the recommendations of the Operations Committee held Tuesday 2 September 2008 be adopted.

***FOR VOTE - Unanimous***

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **Schedule of Outstanding Resolutions**

**101 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

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

***FOR VOTE - Unanimous***

## **ADMINISTRATOR'S MINUTE**

Nil.

## **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.

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**REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS**

Nil.

**REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES**

Nil.

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

- 1            **[SUB-LTC] Minutes of Local Traffic Committee Minutes held Thursday 21 August 2008**

**102 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Payne**

**RESOLVED** that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 21 August 2008 be received and noted; and
2. Director's recommendations be adopted as follows

**A. FORMAL ITEMS SECTION****DELEGATIONS FOR REGULATORY DEVICES****A1 [LTC] Powell Street Tweed Heads**

FILE NO: DW1873897; Traffic Committee; Parking Zones

**As per the Committee's recommendation being:**

*That the "No Stopping" signage which covered an old driveway in Powell Street be removed and replaced with 2 hour parking limit signage to tie in with the zones on either sides of the street.*

**A2 [LTC] Sunnyside Mall Parking**

FILE NO: DW1862225; Traffic; Committee, Parking Zones

**As per the Committee's recommendation being:**

*That 5 minute parking be endorsed along the Video Ezy frontage, Sunnyside Shopping Centre in Murwillumbah subject to a detailed*

*traffic signage and linemarking plan being submitted to Council for approval.*

**B. INFORMAL ITEMS SECTION**

**GENERAL TRAFFIC ADVICE**

**B1 [LTC] - Piggabeen Road Tweed Heads West**

FILE NO: DW1867096; Traffic - Parking Zones; Committee; Piggabeen Road;

As per the Committee's recommendation being:

*That no action be taken.*

**B2 [LTC] The Grove, Tweed Heads**

FILE NO: DW1839532; Traffic Committee; Bus Services - Routes; Pollution - Air

As per the Committee's recommendation being:

*That signage on Ourimbah Road to stop buses idling is not required.*

**B3 [LTC] Crabbes Creek Hall - 100 Year Celebration**

FILE NO: DW1871220; Street March's/Parade; Road Closures temporary (including traffic); Halls; Crabbes Creek

As per the Committee's recommendation being:

*That part closure of Crabbes Creek Road from the first bridge to Blue Gum Court for approximately 40mins on Saturday 13 September 2008 be supported subject to police approval and complying to standard conditions including appropriate traffic control.*

**B4 [LTC] Twin Towns Triathlon - Use of Roads**

FILE NO: DW1873805; Traffic; Committee; Road; General, Temporary Closures (including traffic); Bicycle Matters; Sport & Recreation General

As per the Committee's recommendation being:

*That:-*

- 1. The Committee approves the application from the Twin Towns Triathlon Club, to use Tweed Shire roads as described in the applicants Cycle Management Plan for the cycle leg of the 2008/09 season on the following dates:-*

September 13, 20, 27  
October 4, 11, 18, 25  
November 1, 8, 15, 22, 29  
December 6, 13, 20, 27  
January 3, 10, 17, 24, 31  
February 7, 14, 21, 28  
March 7, 14

*Subject to Police approval and standard conditions.*

2. *The Committee approves the application from the Twin Towns Triathlon Club, to use Tweed Shire roads as described in the applicants Cycle Management Plan for the cycle leg on 21 March 2009 (championship event) subject to Police approval and a detailed traffic management plan being provided.*

**B5 [LTC] Tweed Terrace Tweed Heads**

FILE NO: DW1872487; Traffic; Committee; Road (Temporary (including Traffic) Closures; General.

As per the Committee's recommendation being:

*That the partial road closure of Tweed Terrace is noted.*

**B6 [LTC] Eastlakes Drive, Tweed Heads South**

FILE NO: DW1868753; Traffic; Committee, Local Area Traffic Management, Speed Zones; Safety; Footpaths; request for.

As per the Committee's recommendation being:

*That:-*

1. *The requests of the petitioners be noted.*
2. *A convex mirror on Eastlakes Drive not be installed.*
3. *A reduction in the speed limit on Eastlakes Drive is not supported.*
4. *Council officers further investigate alternative safety measures that could be undertaken.*

**B7 [LTC] Scenic Drive, Tweed Heads West**

FILE NO: DW1854755, Bus Services, Stops; Pedestrian Safety, Pedestrian Crossings; Traffic, Speed Zones

As per the Committee's recommendation being:

*That:-*

1. *A marked pedestrian crossing is not supported as the warrants for pedestrian crossings are not met.*
2. *The Police be requested to enforce the speed limit in this area.*

**B8 [LTC] The Broadway, Burringbar**

FILE NO: DW1851075; Complaint; Driveways; Directional Signs; Traffic; Safety, Parking Zones, Car Parks; Other Places,

As per the Committee's recommendation being:

*That no action be taken on The Broadway Burringbar.*

**B9 [LTC] Rainbow Ride Event, 9 November 2008**

FILE NO: DW1861437; Traffic; Committee; Control; Safety; Bicycle Matters, General

As per the Committee's recommendation being:

*That permission be granted for the Rainbow Ride Cycle Challenge to be held on Sunday 9 November and that it be advertised accordingly subject to compliance with NSW Police requirements.*

**B10 [LTC] Eden Street Tweed Heads**

FILE NO: DW1863311; Traffic, Committee; Parking Zones; Parking, Infringement Notices, Illegal Parking

As per the Committee's recommendation being:

*That the existing "No Parking" signage on Eden Street, Tweed Heads be appropriately relocated.*

**B11 [LTC] Bay Street, Tweed Heads**

FILE NO: DW1858625; Traffic, Committee; Parking Zones; Loading Zones; Bus Services, Stops

As per the Committee's recommendation being:

*That the existing bus zone in Bay Street, Tweed Heads be removed and replaced with 1P signage to match existing in the area after 1 September 2008.*

**B12 [LTC] Fun Run - Central Park SALT**

FILE NO: DW1862044 - Traffic Committee; Safety;

As per the Committee's recommendation being:

*That the Fun Run be approved subject to Police approval and standard conditions.*

**aB12 [LTC] Fraser Drive and Leisure Drive, Banora Point**

DW1878261; Fraser Drive; Leisure Drive; Traffic Signals

As per the Committee's recommendation being:

*That the matter be listed on the Schedule of Outstanding Resolutions.*

**FOR VOTE - Unanimous**

**2 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Tuesday 12 August 2008**

**103 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that the:-

1. Minutes of the Tweed Coastal Committee Meeting held Tuesday 12 August 2008 be received and noted; and
2. Director's recommendations be adopted as follows

**CORRESPONDENCE IN:**

1. **Letter of Retirement from Peter Harding**  
**Tweed Coastal Committee**

*As per Committee's recommendation being that:*

*That Council advertises for a suitable representative from Pottsville to join the Tweed Coastal Committee.*



**AGENDA ITEMS:**

**3. Cudgera Creek Water Quality**

**Cudgera Creek; Pollution-Water**

As per Committee's recommendation being that:

*That:*

- 1. The Tweed Coastal Committee recognises that there is a high level of community concern over the level of pressures existing on Cudgera Creek from land use practises in that catchment.*
- 2. Council reviews its regulatory monitoring and compliance role with regard to sediment and erosion control on subdivision and development sites.*
- 3. Council considers recommendations within the adopted Tweed Coast Estuary Management Plan with regard to development, water quality, water sensitive urban design and stormwater when considering development applications and any future land use planning around Cudgen, Cudgera and Mooball creeks and their catchments.*

**4. Draft Tweed Coast Regional Crown Reserve Plan of Management**

**Tweed Coast Regional Crown Reserve Plan of Management**

As per Committee's recommendation being that:

*That Council forwards a submission to the Department of Lands on the Draft Tweed Coast Regional Crown Reserve Plan of Management as below:*

- 1. The State Government has a duty and responsibility to contribute to the management of Crown Reserves and State controlled infrastructure at no less than the current commitment levels.*
- 2. Council and the State Government must meet community expectations that our Crown Reserves will be protected in perpetuity through strategic, long-term management and ensure that the values of the reserve are not compromised.*
- 3. Council needs to do a detailed economic assessment of the true costs of managing the Reserve at current and future levels to determine the level of ongoing investment required.*

**FOR VOTE - Unanimous**

**ORDERS OF THE DAY**

- 1           **[NOR] Development Application DA06/0946 Class 1 Appeal 08/10628 at Lot 3 DP 520276 No 20 Marine Parade, Kingscliff**

**104 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that the recommendation at Planning Committee Minute No P42 and confirmed by resolution of Council at the Ordinary Council Meeting at Minute No 79 in relation to Item P4 ([PR-PC] Class 1 Appeal 08/10628 - Development Application DA06/0946 for a Mixed Development Comprising 2 x 2 Bedroom Units, 2 x 3 Bedroom Units and Commercial Premises at Lot 3 DP 520276, No. 20 Marine Parade, Kingscliff considered at the Planning Committee Meeting held Tuesday 15 July 2008 being:-

***"Administrator Boyd  
Administrator Payne***

***RECOMMENDED*** that Council defends the Class One Appeal and engages consultants to act as Council's expert witness."

**be rescinded.**

***FOR VOTE - Unanimous***

- 2           **[NOM] Class 1 Appeal 08/10628 - Development Application DA06/0946 Lot 3 DP 520276, No. 20 Marine Parade, Kingscliff**

**105 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that with regard to Class 1 Appeal 08/10628 - Development Application DA06/0946 for a Mixed Development Comprising 2 x 2 Bedroom Units, 2 x 3 Bedroom Units and Commercial Premises at Lot 3 DP 520276, No. 20 Marine Parade, Kingscliff, Council enters into "Consent Orders" in which the Council and the Applicant agree to the Court granting consent to the development subject to conditions."

***FOR VOTE - Unanimous*****QUESTION TIME**

Nil.

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## **ADJOURNMENT OF MEETING**

Adjournment to deal with the Community Access Session at 2.45pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 2.50pm

## **COMMITTEE OF THE WHOLE**

### **106 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Payne**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

***FOR VOTE - Unanimous***

## **CONFIDENTIAL ITEMS FOR CONSIDERATION**

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 FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES**

### **1 [CNR-CM] Tweed Shire Family Day Care Service**

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

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

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

**C 38 COMMITTEE DECISION:**

That Council:-

1. Makes no objection to the transfer of management of Tweed Shire Family Day Care Association Inc to Lismore and District Family Day Care;
2. Approves the termination of the Licence Agreement between Council and Tweed Shire Family Day Care Association Inc;
3. Approves entering into a lease with Lismore and District Family Day Care for a term of four years and eleven months at a commercial market rental to be negotiated;
4. Approves the waiving of further payments from Tweed Shire Family Day Care Association Inc for the interest free loan made to them
5. Approves the utilisation of the commercial market rental to cover the interest free loan made by Council to Tweed Shire Family day Care Association Inc, funded by the Employee Entitlement Reserve;
6. All necessary documentation is executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS****2 [EO-CM] Acquisition of Easement for Drainage Variable Width - Banora Terrace, Bilambil Heights****REASON FOR CONFIDENTIALITY:**

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

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

**C 39 COMMITTEE DECISION:**

That:-

1. Council approves the payment of compensation to the owners of Lot 3 in DP 731857 for the acquisition of Easement for Drainage Variable Width;
2. Council approves the compulsory acquisition of the Easement for Drainage Variable Width within Lot 3 in DP 731857 and Lots 5 and 10 in DP 786246 under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) for the purposes of the *Local Government Act 1993* (NSW), and

the making of the necessary application to the Department of Local Government to seek the Governor's approval;

3. All necessary documentation is executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**3 [EO-CM] DA05/1296 - 2 Lot Subdivision and Associated Road Widening for Fraser Drive**

**REASON FOR CONFIDENTIALITY:**

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

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

**C 40 COMMITTEE DECISION:**

That Council agrees to purchase the subject road widening on Fraser Drive as shown in Appendix A for the sum of \$116,650 being the value of the land as per the Tweed Road Contribution Plan No. 4 less the \$5,535 contribution payable by the owner. The owner is to meet the survey and legal costs of the dedication.

***FOR VOTE - Unanimous***

**4 [EO-CM] Tugun Bypass Environmental Review Group Summary Report**

**REASON FOR CONFIDENTIALITY:**

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

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**C 41 COMMITTEE DECISION:**

That Council writes:-

1. To the proponents (Qld Department of Main Roads and the NSW Roads & Traffic Authority) requesting the following information:-
  - a) Results of the review into the groundwater management trials by CSIRO;

- b) Results of any ongoing groundwater and vegetation die-off monitoring associated with the tunnel works;
  - c) Advice on the outcomes on studies relating to the regional hydrology; and
2. To the NSW Minister for Planning requesting advice on whether the proponents of the Tugun Bypass have complied with the requirements of their Part 3A consent approval.

***FOR VOTE - Unanimous***

**107 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that the recommendations of the Confidential Committee of the Whole be adopted.

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 2.55pm.

RS

**Minutes of Meeting Confirmed by Council**

**at Meeting held .....**

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**Chairman**