

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Garry Payne (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Mr Mike Rayner (Acting General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Patrick Knight (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (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 of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Proctor:

"Therefore, since we are surrounded by such a great cloud of witnesses. Let us throw off everything that hinders and the sin that so easily entangles, and let us run with perseverance the race marked out for us. Let us fix our eyes on Jesus, the author and perfecter of our faith, who for the joy set before him endured the cross, scorning its shame, and sat down at the right hand of the throne of God. Consider him who endured such opposition from sinful men, so that you will not grow weary and lose heart". Hebrews 12:1 - 3 NIV

O God of light and truth, pour down on us the spirit of wisdom and understanding. Through hearing the Holy Scriptures, may we receive by faith the words of eternal life; through Jesus Christ our Lord.

O God of light and truth, be with the Administrators, management and employees of Tweed Shire Council, at the Council meeting here this afternoon. Give all in authority wisdom and understanding with the business brought before them in a compassionate way treating all with equity. Save them from empty words and senseless controversy. Help and guide them so that none may exploit others, and none be neglected or forgotten. Let the Holy Spirit guide and rule as decisions are made which may affect just one person or many people, so that this Council will be united in service to the people of Tweed Shire for their common good and welfare. Keep in the minds of all who are placed over us those who suffer, are friendless and in need. Guide the people of this Shire to use their wealth so that all may find fulfilling employment and receive just payment for their labour.

O God of light and truth, at this Easter time, guide us in all our doings with your gracious favour, and further us with your continual help; that in all our works begun, continued, and ended in you, we may glorify your holy name, and by your mercy attain everlasting life; through Jesus Christ our Lord. Amen.

One Minute silence was observed in memory of the Thomas family.

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Meetings of Council held on Wednesday 22 March 2006

55 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Wednesday 22 March 2006 be adopted as a true and accurate record of proceedings of that meeting with the following amendment to Confidential Resolution C21 (Page 26) to read:

".... That Council requests staff to draft conditions of approval, with a view to settling the Appeal by a consent order and that these conditions include addressing the following issues:"

FOR VOTE - Voting - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

PLANNING COMMITTEE

56 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

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

FOR VOTE - Voting - Unanimous

P1 [PD-PC] Development Application DA04/0517 for Multi Dwelling Housing Comprising Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point

P 33 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that this item be deferred to allow objectors the opportunity to address the Planning Committee.

FOR VOTE - Unanimous

P2 [PD-PC] Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads

P 34 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council adopts Option 1 being:

To note the Minister's recommendations with respect to ensuring that applications for 'spot-rezonings' are supported only where there is a clear strategic land-use approach for the area and to take no further action in respect of this draft LEP."

FOR VOTE - Unanimous

- P3 [PD-PC] Development Application DA06/0266 for a Mortuary - Crematorium and LEP Amendment at Lot 703, 704, 705, 707 DP 1000580, No. 9394 Tweed Valley Way, Chinderah**

P 35 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that:-

1. The applicant's attention be drawn to the Minister's directions 14 and 7 made 30 September 2005 s54(4) notification advice and checklist.
2. The applicant must satisfy Council that these directions and checklist have been complied with in a manner satisfactory to Council.
3. The Director Planning and Development should report to Council when these requirements have been satisfied.

FOR VOTE - Unanimous

- P4 [PD-PC] Development Application DA06/0192 for Extensions to Readymix Quarry (05-0055) at Lot 1 & 2 DP 792256; Lot 3 DP 877186, No. 840 Terranora Road, Terranora**

P 36 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that:-

1. Council notes
 - (a) That there is significant and serious conflict between the proposed extension of the existing quarry and the nearby residential uses.
 - (b) The high level of community opposition to the proposal
 - (c) There are many people who live near the quarry. In particular there are 24 dwellings within 500 metres of the quarry. The amenity of local residents will be significantly impacted by the development, in particular by the noise, dust and heavy truck movements generated by the development.

- (d) It would be preferable to have substantial spatial separation between the residential uses and the quarry. This conflict is a bad planning outcome as it does not lead to orderly development in this locality.
 - (e) The quarry is identified in the Draft North Coast Strategy as a regionally significant extractive and mineral resource
 - (f) The draft North Coast Strategy further requires the Council to rezone the quarry for extractive use.
2. In the event that the Minister grants development consent, there be conditions imposed which to the maximum possible extent mitigate the amenity impacts of the development as attached to this resolution. (see Page 72 ff)

FOR VOTE - Unanimous

P5 [PD-PC] Development Application DA05/0840 for Grazing of Cattle and Associated Works at Lot 76 DP 755701, Lot 272 DP 755701, Lot 323 DP 755701, Lot 326 DP 755701 Duranbah Road, Kings Forest

P 37 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that Council enters into consent orders for approval of the application subject to the following conditions: -

1. The development shall be carried out in accordance with the Statement of Environmental Effects and the Flora and Fauna Assessment Grazing of Cudgen Paddock, Kings Forest prepared by Aspect North dated 7 October 2005, except where varied by the conditions of this consent.
2. The activities permitted by this consent are only permitted within the land proposed to be zoned for urban development in the draft Local Environmental Plan (Amendment No. 20) for Kings Forest. The buffer areas (50metres wide) are to remain intact ie. no cattle grazing permitted in the buffer areas pending further investigation as part of the DCP for urban development in Cudgen Paddock.
3. Cattle grazing shall cease when the land is developed for urban purposes or, if part or all of the land currently zoned for urban development is approved by Council in the Local Environmental Plan (Amendment No. 20) process to be rezoned for environmental protection ie. cattle grazing is restricted to only those areas which are finally determined by Council in the Local Environmental Plan for Kings Forest as suitable for urban expansion.
4. The maximum number of cattle permitted to be grazed on the subject land is 45. In this regard the maximum number of cattle permitted in the eastern

paddock is 30 and the maximum number of cattle permitted in the western paddock is 15.

5. The amelioration measures contained in section 6.2 of the Flora and Fauna Assessment Report are to be undertaken. In this regard a compliance report is to be submitted to Council within 14 days after establishment of the grazing operation demonstrating compliance with the amelioration measures.
6. This consent is valid for three years from the date of consent.

GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912

General Conditions

- Before commencing any works or using any existing works for the purpose of Stock and Domestic Purpose, approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- A license so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.

Conditions relating to water entitlements

- An approval will only be issued in relation to a water entitlement that is already held by the owner of the land subject to this consent or is purchased from another entitlement holder.
- A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made thereunder and the transfer rules applying at the time of application as determined by the Department.
- Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary by the Department from time to time to ensure an adequate flow remains for other water users and the environment (unregulated streams).

Conditions for water use

- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- If required by the Department the extraction and use of water must be recorded and reported as specified by the Department. For instance, the Department may require that annual return of information on hours pumped, monthly extraction rate, and usage rate.
- The water extracted under the approval to be granted shall be used for the purpose of stock and domestic purposes and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
- In order to protect the environment and the interests of other water users the approval may further specify how the water may be used and the land on which it may be used.
- The conditions of the approval may specify how water is to be distributed (for instance by the use of pipes) in order to prevent wastage or accessions to groundwater. The Department may alter the conditions of approval at any time for these reasons.
- Water will not be diverted unless notice has been given to the Department as stipulated in the approval to be issued (regulated streams).
- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any other person's land
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands

Conditions for Bores and Wells

See also "general conditions" and "conditions for water use"

- The works must be at least 40 metres from the nearest bank of any river or creek.
- Officers of the Department or other authorised person must be allowed full and free access to the works for the purpose of inspection and testing.
- All works must be constructed and maintained to properly control the water extracted to prevent wastage or any reduction in quality of the sub-surface water. The Department may direct that any necessary repairs or alterations be undertaken to maintain the works in good working order.
- Any saline or polluted water located above a producing aquifer must be sealed by the use of cemented casing as specified by the Department.
- If the bore ceases to be productively used, the Department must be notified and the aquifer must be sealed by a method acceptable to the Department.
- The volumetric allocation from this bore must not exceed 3 megalitres in any 12 month period commencing 1 July. This volume will be reviewed and may vary depending on analysis by the Department of the Form "A" (particulars of completed groundwater work) completed by the driller. This allocation will also be reviewed if there is any change in ownership of the land.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
- The Department may specify rules from time to time for the accrual of unused water allocations for use in future seasons.
- Both the pumping and non-pumping water levels must be recorded at least twice each year.
- The existing excavation shall not exceed the following surface area parameters of 3600m² and a width of 60 by 60m and depth of 4m.
- An investigation must be carried out on the spoil from the groundwater excavation work to determine if Acid Sulfate Soil (ASS) material is present. In the event that ASS is found to be present then an ASS Management Plan must be prepared to DIPNR's satisfaction in accordance with the ASSMAC guidelines (1998).

FOR VOTE - Unanimous

P6 [PD-PC] Coastal Design Guidelines for NSW

P 38 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that Council adopts the Coastal Design Guidelines for New South Wales, to be used by Council, as follows:

1. As part of Council's Planning Reform Program to review to achieve better planning, management and use of precious coastal resources; and

2. To supplement existing planning controls pending the finalisation of the Planning Reform Program.

FOR VOTE - Unanimous

P7 [EO-PC] Landforming Policy

P 39 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that:-

1. Council in accordance with the Environmental Planning and Assessment Regulation 2000, approves exhibited draft version 1.3 of Development Control Plan No.16 – Subdivision Manual, to repeal and replace the current version, with the following alterations:
 - a1. Clause 3.4.1, delete first paragraph and substitute with:
"Subdivision design is an iterative process which given a site's attributes, opportunities and constraints seeks to achieve a balance between
 - *high quality urban design outcomes*
 - *conforming with statutory constraints*
 - *the subdivider's vision for development of the land and*
 - *economic outcomes"*
 - a2. Clause 3.4.2, add additional dot point:
 - *"existing landscape and vegetation pattern"*
 - a3. Clause 3.4.4, delete section in brackets in first paragraph and add at end of last paragraph the words:
"...and to take into account the necessary site configuration and planning for regeneration of vegetation, post development."
 - a4. Clause 3.4.5, second paragraph, last sentence, after the words *"...stakeholder issues"*, add the words *"and urban form, design and landscape considerations"*
 - a5. Clause 4.1.1, after the words *"...satisfying urban environment"*, add the words *"where vegetation regeneration is achievable"*
 - a6. Insert new Clause 4.1.4:

"4.1.4 Amendments to Existing Subdivision Development Consents

Where a subdivision has been approved prior to 27/06/03, a Section 96 application to amend the consent may be approved with the amount of cut and fill landforming works that were approved in the initial consent, notwithstanding that the landforming does not strictly comply with acceptance criteria in Table 4.2.2.". This clause only applies to s96 applications lodged within 2 years of the date Version 1.3 becomes operational."

- b1. Table 4.2.2(B)(2), delete last paragraph and substitute with:

"For the purpose of this section "subdivision site" includes the parcels of land created for private sale and formal parks, and does not include undeveloped areas, areas retained for environmental purposes, roads, or residual allotments. If a subdivision contains a mix of urban and rural/rural residential uses, the rural/rural residential areas must be excluded from the urban areas for the purposes of complying with this clause."

- b2. Table 4.2.2(C)(1), amend second dot point to read:-

"Except as provided in Note 1. below, no sharp changes of gradient (eg. Associated with batters or retaining walls) are permitted at or near inter lot boundaries or within lots."

- b3. Table 4.2.2(C)(1), insert the following at the end of this section C.1:-

"Note1: A retaining wall or batter of maximum "combined height" (as defined in Section E of 1.2m at or adjacent to inter lot boundaries may be permitted to ease lot gradients, where lot longitudinal or cross gradient would exceed 10% in the absence of such retaining wall or batter."

- b4. Table 4.2.2(E)(2a), insert into the sub table titled "MAXIMUM PERMISSIBLE COMBINED HEIGHT OF RETAINING WALLS OR BATTERS", in the cell Row: Residential, Column: Side and Rear Boundaries, the following:-

"1.2 see Note1 of Table 4.2.2(C)(1)"

- c. Insert additional dot point to the Criteria in 4.3.2 Movement Network:

- "Where constrained by landform alteration limits, the maximum length of cul-de-sacs may be increased to 200m and 24 dwellings and consideration may be given to modification of road connectivity requirements, if this leads to better urban design outcomes"*

2. Council approves exhibited draft version 1.3 of Development Design Specification D6 – Site Regrading, to repeal and replace the current version, with the following alterations:-

- a. Clause D6.05.3(2), delete last paragraph and substitute with:
- "For the purpose of this section "subdivision site" includes the parcels of land created for private sale and formal parks, and does not include undeveloped areas, areas retained for environmental purposes, roads, or residual allotments. If a subdivision contains a mix of urban and rural/rural residential uses, the rural/rural residential areas must be excluded from the urban areas for the purposes of complying with this clause."*
- b1. Amend second dot point of Clause D6.05.4 (1) to read:
- *Except as provided in Note 1. below, no sharp changes of gradient (eg. Associated with batters or retaining walls) are permitted at or near inter lot boundaries or within lots.*
- b2. Amend fourth dot point of Clause D6.05.4 (1) to read:
- *Sharp changes of gradient are permitted at road and public land boundaries (eg. Drainage reserves, parks)*
- b3. Insert the following at the end of clause D6.05.4 (1):
- "Note1: A retaining wall or batter of maximum "combined height" (as defined in clause D6.05.6) of 1.2m at or adjacent to inter lot boundaries may be permitted to ease lot gradients, where lot longitudinal or cross gradient would exceed 10% in the absence of such retaining wall or batter."*
- c1. Clause D6.05.6(b), insert into Table D6.1, in the cell Row: Residential, Column: Side and Rear Boundaries, the following:
- "1.2 see Note 1 of D6.05.4 (1)".*
- c2. Clause D6.05.6(c), increase boundary setback requirement for retaining walls and batters from "0.5m" to "0.9m".
- d. Insert additional clause D6.05.8
- "8. Where constrained by landform alteration limits, use of the absolute maximum (longitudinal road) grades in Table D1.6 of Development Design Specification D1 - Road Design may be justified."*
3. Council in accordance with the Environmental Planning and Assessment Regulation 2000, approves exhibited draft version 1.2 of Development Control Plan No. 47 – Cut & Fill on Residential Land, to repeal and replace the current version, with the following alterations:

- a1. Renumber
Clause 1.21 to 1.2.1
Clause 1.22 to 1.2.2
- a2. Clause 1.2.2 (previously 1.22)
Delete "300mm" in second dot point and substitute with "900mm".
- a3. Insert new Clause 1.2.3:

*"1.2.3 Savings
Applications submitted up to six (6) months after the date that Version 1.2 of this plan became operational may be considered in accordance with Version 1.1 of this plan."*
- b. Correct spelling error in Heading 2.0 "Specific Requirements of the Development Control Plan"
- c. Delete Clause 2.2.1(ii) and substitute with:

"(ii) The maximum impermeable site area shall not exceed (See Table 1)

 - *70% of the allotment area for single dwellings and dual occupancies where the lot size is less than 500m² and 15% of the total allotment area shall be set aside for deep soil planting.*
 - *65% of the allotment area for single dwellings and dual occupancies where the lot size is between 500m² and 750m² (inclusive) and 15% of the total allotment area shall be set aside for deep soil planting.*
 - *60% of the allotment area for single dwellings and dual occupancies where the lot size is greater than 750m² and 15% of the total allotment area shall be set aside for deep soil planting.*
 - *85% of the allotment area for multi-dwelling housing (all lot sizes)."*
- d. Amend Table 1 of Section 2.2 to read "Green roofs"/roof gardens'
- e. Clause 2.3.1, replace reference to section "8.2" with section "2.5"
- f. Delete Clause 2.3.5 and substitute with:

"2.3.5 For residential dwelling sites, the depth of excavation shall not exceed one metre and the depth of fill shall not exceed one metre, except where specified in Clause 2.3.6, so that the degree of both cutting and filling is minimised."
- g. Clause 2.4.1, increase maximum flat yard space percentage from "10%" to "15%".
- h. Clause 2.8, replace reference to section "8.1.4" with section "2.3.4"
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4. Development Applications for subdivisions that have already been submitted be assessed in accordance with the criteria in the current Version 1.2 of *DCP16 - Subdivision Manual* and Version 1.2 of *Development Design Specification D6 - Site Regrading*.

FOR VOTE - Voting - Unanimous

57 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the recommendations of the Planning Committee held Wednesday 12 April 2006 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

58 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

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

FOR VOTE - Unanimous

01 [GC-OC] Local Government Amendment Act 2005- Councillor Numbers

O 61 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council applies to the Minister for Local Government, in accordance with Section 224A of the Local Government Act, for approval to reduce the number of Councillors from 11 to 7 Councillors, effective from the next Ordinary election of the Council.

FOR VOTE - Unanimous

O2 [GC-OC] Customer Service Charter

O 62 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Council adopts the following Customer Service Charter:

POLICY OBJECTIVES

Tweed Shire Council is committed to striving to meet the needs of our ratepayers, residents and clients in a professional and ethical manner with courteous and efficient service.

WE AIM TO:

- a) treat all people with respect and courtesy;
- b) listen to what residents/ratepayers have to say;
- c) respond to resident/ratepayer enquiries promptly and efficiently;
- d) act with integrity and honesty when liaising with residents/ratepayers/clients;
- e) consult residents/ratepayers and clients about service needs;

STANDARDS OF SERVICE

In Writing

WE WILL:

- Respond to correspondence received from residents, ratepayers and clients (written, faxed or emailed) within fourteen (14) days, in accordance with Response to Correspondence Policy.
- Where the correspondence cannot be responded to within 14 days will send an acknowledgement advice within the 14 days.

On the Telephone

WE WILL:

- Answer incoming calls quickly and efficiently and where practical within five (5) rings.
- Answer incoming calls by clearly and appropriately identifying ourselves in a friendly manner.
- Divert unanswered incoming calls to another member of staff or voice mail.
- Identify ourselves when making outgoing calls by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.

In Person

WE WILL:

- Greet residents, clients and visitors upon arrival as quickly as possible.
- Assist you with your enquiry promptly and professionally in a helpful manner.
- Wear name badges and give you staff names who are relevant to your dealings.
- Attempt to contact persons to make an appointment where a visit to a resident/client external to Council facilities is required.
- Identify ourselves at the beginning of the Council visit and the purpose of the visit.

HOW CAN YOU HELP US?

If you can suggest ways in which we can deliver better service we encourage you to give feedback.

FOR VOTE - Unanimous

O3 [GC-OC] Tweed Tourism Strategic Review Advisory Committee

O 63 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that this item be deferred for an internal workshop.

FOR VOTE - Unanimous

O4 [GC-OC] "The Buttery", Uki - Mortgage Guarantee

O 64 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council extends it's Southern Cross Credit Union loan guarantee from \$50,000 to \$62,000 for the Uki Village & District Residents Association Incorporated with all costs relating to the loan guarantee extension to be borne by the Association.

FOR VOTE - Unanimous

05 [GC-OC] Commonwealth's Work Choices Legislation

O 65 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council advises the Office of the Minister for Industrial Relations that Council will defer consideration of any of the Work Choices legislation until the legislative and legal issues have been finalised.

FOR VOTE - Unanimous

06 [GC-OC] Monthly Investment Report for Period Ending 31 March 2006

O 66 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 March 2006 totalling \$130,916,716.28 be received and noted.

FOR VOTE - Unanimous

07 [EO-OC] Naming of Public Road - Altona Road, Chinderah

O 67 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council adopts the name of 'Altona Road', being the road reserve coming off Crescent Street, Chinderah; 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

O8 [EO-OC] Regulation of Traffic - "Altona Road" Chinderah

O 68 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Under section 122 of the Roads Act, 1993 Council regulates the traffic on "Altona Road" Chinderah by means of a gated structure that will be opened in daylight hours between 7.00am to 6.00pm on Mondays to Fridays and between 7.00am to 5.00pm on Saturdays.
2. Council advertises the regulation of traffic on "Altona Road", Chinderah in the Tweed Link.

FOR VOTE - Unanimous

O9 [EO-OC] Land Acquisition for Road Purposes - Tweed Coast Road, Chinderah

O 69 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. Council approves the acquisition of Lot 1 in DP 415317 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and makes the necessary application to the Minister and/or Governor;
2. Lot 1 in DP 415317 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

O10 [EO-OC] Integrated Regional Transport Planning

O 70 COMMITTEE DECISION:

**Administrator Payne
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O11 [EO-OC] Northern Rivers Catchment Management Authority - Coastline and Estuary Grant Offers

O 71 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Accepts the grant of \$27,800 offered by the Northern Rivers Catchment Management Authority for implementation of priority components of Tweed Shire Council Estuary Management Plans,
2. Accepts the grant of \$22,500 offered by the Northern Rivers Catchment Management Authority for implementation of priority components of the Tweed Shire Coastline Management Plan, and
3. Votes the expenditure.

FOR VOTE - Unanimous

O12 [EO-OC] Alternative Fuel Analysis for Council's Passenger Car Fleet

O 72 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council adopts as its Fleet Procurement Policy for Passenger Vehicles the following objectives:-

1. The primary objective of fleet management be to minimise the life-cycle cost of the fleet.

2. Having regard to reducing the environmental impact of the vehicle fleet, preference is given to vehicles with lower fuel consumption/emissions when other considerations are approximately equal (within \$2,000 life-cycle cost).
3. In selecting individual vehicles, suitability for work uses is the primary consideration, and driver preference is a secondary consideration.
4. The fleet have a varied composition to minimise the risk of concentrating on a limited number of vehicles, and to allow trial of alternative vehicles (maximum 5).

FOR VOTE - Unanimous

O13 [EO-OC] Tweed Integrated Water Cycle Management (IWCM) Context & Strategy Report

O 73 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. The Tweed Integrated Water Cycle Management (IWCM) Context & Strategy Report be placed on public exhibition for a minimum of 8 weeks.
2. A summarised public awareness document be produced and distributed.
3. Both documents be posted on Council's web site
4. A list of Stakeholders be developed from the public consultation process.
5. A future report be brought before Council detailing submissions received and recommending a strategy for adoption by Council.

FOR VOTE - Unanimous

O14 [EC-OC] Calls for Expressions of Interest to Operate Markets at Kingscliff, Pottsville, Knox Park at Murwillumbah and Recreation Reserve at Tweed Heads

O 74 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council, subject to the endorsement by the Reserves Trust, calls for expressions of interest from any person or group who wishes to be considered as a candidate to operate the Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville markets from 1 July 2006 for a period of three years.

FOR VOTE - Unanimous

O15 [EC-OC] Waiving of Fee - University of the Third Age Tweed Coast Inc.

O 75 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council provides use of the Kingscliff Amenities Hall to the University of the Third Age Tweed Coast Inc at a 50% reduction in fee.

FOR VOTE - Unanimous

O16 [EC-OC] Tweed Surf Life Saving Strategy 2020

O 76 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:

1. Adopts the Tweed Surf Life Saving Strategy 2020 and implements its actions subject to budget constraints and requirements of Council's Risk Management Strategy.

2. Establishes a Beach Safety Liaison Committee consisting of an Administrator or nominee, Manager Environment and Health, 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. The Committee is to be a "sunset" committee to July 2008.
3. Determines the functions of the Beach Safety Liaison Committee to be as follows:
 - a. Specifically review the proposed actions contained within the Tweed Surf Life Saving Strategy 2020 and to provide advice to Council on their appropriateness by 30 September 2006.
 - b. Advise of any other suggested actions.
 - c. Advise Council on possible thresholds that may be used to determine when new or expanded lifeguard services may be required and as an alternative advice on possible consolidation of resources into the four beach areas currently patrolled by surf clubs.
 - d. Review the surf lifesaving activities after the 2007/2008 beach season and provide a final report with recommendations to Council by July 2008.
 - e. Consider opinions from other relevant groups.
4. Council officers to report to Council on the per unit cost for a single lifeguard patrol service.

FOR VOTE - Unanimous

O17 [EC-OC] Request for "In Kind" Support/Waive Fee

O 77 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council :-

1. Approves the use of the Murwillumbah Auditorium for the North Coast Institute of TAFE Murwillumbah and Kingscliff Campuses for their presentation night at no hire fee but requires the \$80 fee for provision of plants.
 2. Approves the use of a room at the Banora Point Multi Purpose Centre for Dads in Distress at no cost for an initial six (6) month startup period.
-

FOR VOTE - Unanimous

LATE ITEM

83 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Item aO17 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

aO17 [EC-OC] Lease to Southern Cross University - Part of Courtyard Area at Tweed Heads Civic Centre

O 78 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Enters into a lease with the Southern Cross University to lease part of the northern courtyard at the Tweed Heads Civic Centre for a sum of \$6,000 per annum to be CPI indexed each year and the term of the lease be for three (3) years with an option for a further one (1) year.
2. Endorses all lease documentation under the Common Seal of Council.

FOR VOTE - Unanimous

O 79 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the Operations Committee resumes in Open Council under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

59 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the recommendations of the Operations Committee held Wednesday 12 April 2006 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolution

60 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

1 [AM] Signing of Documents

61 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

LATE ITEMS

62 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that Administrator's Minutes 2 to 5 being late items be dealt with and that they be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

2 [AM] Design Review Panel

63 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that:-

1. Council creates a Design Review Panel to act in an advisory capacity for significant developments in the Tweed. The Design Review panel members are to be experienced architectural and urban design practitioners that are not involved in development projects in the Tweed. The panel is to comprise six (6) members from which three (3) members can be called upon as required by Council to provide advice on the architectural and urban design merits of particular development applications prior to consideration by Council.
2. The Director Planning and Development in consultation with the Chair of the Planning Committee determine the composition of the Panel.

FOR VOTE - Unanimous

3 [AM] Delegations to Planning and Development

64 COUNCIL DECISION:

**Administrator Turnbull
Administrator Payne**

RESOLVED that the Tweed Shire Council's delegations of power, authority and duty policy to Planning and Development be amended as follows:-

1. That paragraph 4.1.37 – be amended to read

“Approve and/or set conditions for development consent and complying development certificates where the proposal as lodged or amended complies or significantly complies with Council’s planning instruments, policies and guidelines and where the stated value of the proposal is \$1,000,000 (\$1M) or less.

2. Paragraph 4.1.38 – be amended to read

“Refuse development applications and complying development certificate applications that are not consistent with local environmental plans, development control plans, Council policy, State Government legislation or policies or s.79(c) assessment clearly warrants refusal unless any non-compliance is of a trivial or of an inconsequential nature.”

3. Paragraph 4.1.39 – be amended to read

“Determine applications under Part 5 of the *Environmental Planning & Assessment Act* 1979 where such applications comply with Council’s planning instruments, policies and guidelines except in instances where a Species Impact Statement is required, where such applications will be determined by the full Council.”

4. Paragraph 4.1.41 – be amended to read

“Determine modification applications under s.87 & s.96 of the *Environmental Planning & Assessment Act* 1979 where such applications comply with Council’s planning instruments, policies and guidelines unless such applications rely on existing and/or continuing use rights, in which case such applications shall be determined by the full Council.

5. That the following clauses be inserted after 4.1.55 and subsequent clauses be renumbered:

- No determination under delegated authority shall be made unless an application has been the subject of a report to Councillors/Administrators from the Director of Planning and Development. The report shall provide a summary of relevant information about the proposed development including
 - The address of the proposed development
 - The monetary value of the development
 - A brief description of the development including wherever possible a summary plan in diagrammatic form
- No determination under delegation is to be made within five working days of the date of such report. The report shall be provided in written and electronic form.
- An Administrator or Councillor may call up the application for determination by full Council.

FOR VOTE - Unanimous

4 [AM] Cost - Development Applications

65 COUNCIL DECISION:

**Administrator Turnbull
Administrator Payne**

RESOLVED that the Director Planning & Development provides a report by 30 May 2006 to Council which provides options for ensuring that the stated cost of development provided in development applications is consistent with the real cost of that development so that any scope for understating of development cost in development applications is minimised.

FOR VOTE - Unanimous

5 [AM] Development Applications - Process

66 COUNCIL DECISION:

**Administrator Turnbull
Administrator Payne**

RESOLVED that at the request of a Councillor or Administrator a development application may be required to be brought to the full Council for determination irrespective of delegated authority within Council's delegation of power, authority and duty policy.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE ACTING GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

1 [GC-CM] Tweed Community Kenya Mentoring Program - Stage 3

67 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that Council:-

1. Notes the contents of this report
2. Forwards the report to the International Riverfoundation for its information.

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

2 [EO-CM] Tweed District Water Supply - Bray Park Weir Refurbishment

68 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that:-

1. Council authorises the following variations previously approved under delegated authority:-
 - a) Variation No. 5 - Moneys not included in Variation No. 3 due to difference in breakdown cost and total cost (\$200 GT Exl).
 - b) Variation No. 6 - Schedule A Item 2: Incident No. 1 - Periods 28/7 to 30/7 and 9/8 to 25/8 (\$38,500 GST Excl).
 - c) Variation No. 7 - Corrosion protection to corbel piles (epoxy coating) (\$3,600 GST Excl).
 - d) Variation No. 8 - Additional Rock Placement to Western Bank adjacent to diversion channel (\$3,000 GST Excl).
 - e) Variation No. 9 - Additional Rock Placement under Item 13 of Schedule above provisional sum (\$15,369.60).
 - f) Variation No. 10 - Additional ligatures to ends of slab reinforcement for construction purposes (\$4,050).
 - g) Variation No. 12 - Sealing of diversion channel gate (\$3,178.03 GST Excl).

- h) Variation No. 13 - Cogging of C layer reinforcement (crest slabs 6 & 7) (\$751.51 GST Excl).
 - i) Variation No. 14 - Restoration of Bund wall due to flooding for January/February 2006 (Dayworks) (\$20,871.14 GST Excl).
2. The Director Engineering & Operations be given delegated authority to approve additional variations up to the value of \$240,000 GST Excl.

FOR VOTE - Unanimous

3 [EO-CM] Byrill Creek Property - Lease & Caretaking Agreement Option

69 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that:-

- 1. Mr Kenneth Morrow's existing Lease and Caretaking Agreement over Council's Byrill Creek property be extended for a further five (5) year period under the existing terms (CPI adjusted) and conditions and that formal Lease and Caretaking documents be prepared accordingly.
- 2. All necessary documentation be completed under the Common Seal of Council.

FOR VOTE - Unanimous

4 [EO-CM] EC2005-195 Proposed Reconstruction of Wollumbin Street Tyalgum & King Street Fingal

70 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that:-

- 1. Council awards Contract EC2005-195 Separable Portion A - Wollumbin Street Tyalgum reconstruction for the amount of \$272,460.91 (Excl. GST) to Turner Civil Works Pty Ltd.
- 2. Council awards Contract EC2005-195 Separable Portion B - King Street Fingal reconstruction for the amount of \$100,652.73 (Excl. GST) to Turner Civil Works Pty Ltd.

3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum total for separable portions A and B.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 5 [SUB-KBW] Minutes of Koala Beach Wildlife and Habitat Committee Meeting held Wednesday 16 February 2006

71 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that:-

1. The Minutes of the Koala Beach Wildlife and Habitat Committee Meeting held Wednesday 16 February 2006 be received and noted; and
2. The recommendations be adopted as follows:-

Agenda Items:

4. *Community Fire Wise*

RECOMMENDATION:

That Council on behalf of the Koala Beach Wildlife & Habitat Committee writes to the Minister to stress the importance of having a response unit within the estate since the estate is surrounded by bush.

FOR VOTE - Unanimous

6 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 March 2006

72 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that:-

- A. The Minutes of the Local Traffic Committee Meeting held 16 March 2006 be received and noted; and
- B. The recommendations be adopted as follows:-

BUSINESS ARISING:
Item from Meeting held 16/2/06

12. Machinery Drive

That:-

- 1. *'No Stopping' signage on the southern side of Machinery Drive from Amber Road be extended to the eastern leg of the Machinery Drive loop.*
- 2. *An extra 2 right turn pavement arrows be installed in the right turn lane on Machinery Drive approaching Amber Road in a westbound direction.*
- 3. *A sign be installed stating 'Right lane must turn right' at the Machinery Drive loop intersection.*

Item from Meeting held 16/3/2006

12. Kyogle Road, Dum Dum

That a 80kph speed zone be installed on Kyogle Road, 200m west of Boulder Close to the Uki village 60kph sign.

Item From Meeting held 16/3/2006

13. Wharf Street - Tweed Heads

That the last 2 taxi spaces on Wharf Street, Tweed Heads be replaced with a loading zone subject to endorsement by the Tweed Heads Town Centre MasterPlan Committee.

GENERAL BUSINESS:

PART A

7. Parking Limits - Murwillumbah

That 1 hour parking limits be installed in the Murwillumbah CBD until drainage works are complete on Wharf Street, Murwillumbah Street, Commercial Road and Proudfoots Lane.

PART B

1. Childcare Facility Including Amendment to DCP No. 3 at Lot 1326

That 'No Stopping' signs be installed adjacent to the proposed Childcare Facility on Woodlands Drive and Leisure Drive when the development is completed.

FOR VOTE - Unanimous

7 [SUB-BPCC] Minutes of the Banora Point Multi-Purpose Community Centre Committee Meeting held Tuesday 21 March 2006

73 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the Minutes of the Banora Point Multi-Purpose Community Centre Committee Meeting held 21 March 2006 be received and noted

FOR VOTE - Unanimous

ORDERS OF THE DAY

1 [NOM] Tugun Bypass Project

74 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RESOLVED that Council requests Ecograph to provide a report on the impacts on the existing native vegetation adjacent to the proposed C4 Tugun Bypass Project based upon the work done by Ecograph in the development of the Tweed Shire Vegetation Management Plan.

FOR VOTE - Unanimous

2 [NOM] C4 Tugun Bypass Project Conditions

75 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RESOLVED that Council officers provide a response to the questions listed below in relation to the Minister for Planning's conditions of approval for the C4 Tugun Bypass Project as it is considered that the impact of this project on Tweed Shire will be immense.

Condition

No

- 3 Has Tweed Shire Council been notified of the start dates of the project's construction?
- 9 Has Council received any construction compliance reports for the Tugun Bypass as approved under Condition 9 of Minister Sartor's approval?
- 14 Has Council been advised of the appointment of an Environmental Management Representative (EMR)?
- 18 Has Council received any information on the nature of works proposed by the proponent (Queensland Department of Main Road/NSW Roads and Traffic Authority) over the next 3 months; areas in which these works are proposed, construction hours and a telephone contact number?

Condition

No

- 19 Has the proponent established a project internet site for the C4 route project? If so, what is its address?
- 22 Has a community liaison group (CLG) been formed as required under this condition? If it has who is Council's representative on the group?
- 25 Has Council been consulted as required under this condition in the preparation of the Flora and Fauna Management Sub Plan for the project?
- 26 Are our officers satisfied that the land purchased as compensatory habitat is suitable in terms of its quality and species it is replacing?
- 28 This condition requires an Indigenous Heritage Management Sub Plan to be prepared in consultation with all relevant Aboriginal groups and the Department of Environment and Conservation. Has this been done?
- 33 Has Council been consulted in relation to the preparation of the Soil and Water Quality Management Sub Plan as required under this condition?
- 35 Are Council officers aware of what details are contained in the Acid Sulphate Soil Management Sub Plan and, if so, do they feel the issues have been adequately covered? Do staff know what contingency plan has been prepared to deal with acid sulphate soils?
- 36 Has Council been made aware of the details required to be provided in a Spoil & Fill Management Sub Plan as required under this condition?
- 37 Has Council been advised as to what methods are to be used to neutralise and treat any acid soils disturbed on site and how it is intended to use this material in the construction of the road?
- 44 Does Council have any information regarding the Construction Management Sub Plan as required under this condition of Minister Sartor's approval?
- 45 Has Council staff been consulted with regard to opportunities to redistribute road space created by the operation of the project for pedestrian access, cycleways and public transport opportunities as required under this condition?

FOR VOTE - Unanimous

3 [NOM] Legal Actions and Costs

76 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that a report be brought forward which includes the following details relevant to court actions taken:-

1. Against Council over the past year:
 - a) The name of the party which initiated the legal action.
 - b) The nature of the action.
 - c) The number of actions taken by the same party.
 - d) The court decision in each case, i.e. did Council win or lose?
 - e) The costs incurred by council in defending these actions.
 - f) In those cases lost by the party who initiated the action, what costs were awarded against that party?
 - g) In those cases lost by Council what costs were awarded against Council?
2. By Council against another party over the past year:
 - a) The name of the party sued by Council.
 - b) The nature of the action.
 - c) The court decision in each case.
 - d) Council's costs in each case.
 - e) In those cases lost by Council, what were the total costs to Council?
 - f) In those cases won by Council, what costs were awarded by the Court to Council?

FOR VOTE - Unanimous

QUESTION TIME

Nil.

ADDRESS ON PLANNING COMMITTEE ITEM

Mr P Hopkins addressed Council on item P7 of the Planning Committee.

ADJOURNMENT OF MEETING

Adjournment for Community Access session at 5.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 6.42pm

104 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

FOR VOTE - Unanimous

The Acting 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 GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

1 [GC-CM] Tweed Shire Council Audit Committee Membership

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)

C 25 COUNCIL DECISION:

That Council appoints:

1. Ross Bell and Warren Buntine as the two Independent members on the Audit Committee until 30 April 2008.
2. Administrators Garry Payne and Max Boyd as the two Administrator members on the Audit Committee.
3. The Executive Officer to act as an alternate representative for the administrators.

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-CM] Naming of a Council Public Road

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)

C 26 COUNCIL DECISION:

That

1. Council publicises its intention to name the road reserve created after the realignment of Cudgera Creek Road, near the newly constructed bridge at Cudgera Creek as "*Hardy Drive*" allowing one month for submissions or objections to the proposal;
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

3 [EO-CM] Reserve Creek Road - Occupation of Houses on Road Reserve

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)

C 27 COUNCIL DECISION:

That:-

1. Council approves entering into a Licence Agreement with Mrs Thelma Lack for the occupation of 166 Reserve Creek Road, South Murwillumbah for a life tenancy;
2. The Licence Agreement provides that the Licence is transferable to Kellie Smith with a term of five years from the date of the Agreement; and

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

FOR VOTE - Unanimous

4 [EO-CM] Purchase of 67 River Street, Murwillumbah - pursuant to Clause 49 of the Tweed LEP 2000

REASON FOR CONFIDENTIALITY:

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

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

C 28 COUNCIL DECISION:

That:-

1. Council approves the commencement of negotiations with the landowner to acquire 67 River Street, Murwillumbah for an amount to be agreed upon;
2. Upon completion of negotiations that Council enters into a private treaty agreement to acquire the land,
3. Should there be no agreement as to the amount to be paid, then the property be purchased by agreement by the making of an application to the Minister to acquire the property under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, and
4. All necessary documentation be executed under the Common Seal of Council.
5. The funding for the acquisition and removal/demolition costs be included in the March 06 Quarterly Budget Review from Loan Borrowings and application be made to the Department of Local Government.

FOR VOTE - Unanimous

LATE ITEM

C 29 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Item a4 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

a4 [PD-PC] Unauthorised Tree Clearing - Kings Forest

C 30 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. A Rehabilitation Plan be prepared by a suitably qualified person and lodged with Council by 31 May 2006 to be assessed and approved by the Director of Planning and Development.
2. The rehabilitation works are to be completed to the satisfaction of the Director of Planning and Development by 30 June 2006.
3. Council defers any decision to take legal action pending the outcome of the Rehabilitation Plan and the landowner's agreement to undertake rehabilitation works. Should that Plan and works not be undertaken to a satisfactory standard by 30 June 2006, then Council's solicitors be engaged to initiate legal proceedings in the Land and Environment Court.

FOR VOTE - Unanimous

77 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.50pm.



Minutes of Meeting Confirmed by Council
at Meeting held

Chairman

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