

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Frank Willan (Chairman), Ms Lucy Turnbull, Mr Max Boyd AM.

Also present were Mr Mike Rayner (General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Patrick Knight (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Geoff Edwards (Acting Director Environment & Community Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

ABORIGINAL STATEMENT

Administrator Willan 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, Pastor Andrew Brown:

"Remember your leaders, those who spoke the word of God to you; consider the outcome of their way of life, and imitate their faith". Hebrews 13:7 (NRSV)

"Lord God, we are conscious that this afternoon's discussions and decisions require us to chart an ethical course. May your will be done on earth as it is in heaven: may the leaders you have installed here have the wisdom and love to deal rightly with the ethical complexities and sometimes competing interests that arise, so that your honour here might be enhanced. Amen"

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 5 September 2006

182 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday, 5 September 2006 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

PLANNING COMMITTEE

183 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

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

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

P1 [PD-PC] Development Application DA05/1452 for Alterations & Additions to Club at Lot 2 DP 881169, Gollan Drive, Tweed Heads West

The following person addressed the Planning Committee:

Mr Wayne Kendrigan, General Manager, Seagulls

P 140 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA05/1452 for alterations & additions to club at Lot 2 DP 881169, Gollan Drive Tweed Heads West be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- Job No. 11176 DA 1.01 Revision C - Ground Floor, prepared by Paynter Dixon Architects and dated 16/08/2006,
- Job No. 11176 DA 1.02 Revision C - First Floor Plan prepared by Paynter Dixon Architects and dated 15/08/2006; and
- Job No. 11176 DA 2.01 Revision A - Elevations prepared by Paynter Dixon Architects and dated 01/12/2005,

And the Staging Plan No's:

- Job No. 11176 DA 1.00A Site Plan;
 - Job No. 11176 DA 1.01B Ground Floor Plan; and
 - Job No. 11176 DA 1.02C First Floor Plan;
- except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0045]

3. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
[GEN0065]
4. All works shall be carried out in accordance with the recommendations of the Environmental Noise Impact Report for Seagulls Club, Tweed Heads West prepared by Jay Carter Acoustical Consultant dated 30 January 2006 (Report Reference: 125 Report) and acoustic advice from Jay Carter dated 3 May 2006.
[GENNS01]
5. An acoustic enclosure for the rooftop plant arrangement shall designed and installed in accordance with the acoustic advice from Jay Carter, Acoustical Consultant dated 3 May 2006 prior to the use of such plant and equipment.
[GENNS02]
6. The premises is to be treated on completion of fitout and prior to the commencement of trading and thereafter on a regular basis by a licensed pest control operator. A certificate of treatment is to be made available for Council inspection upon request.
[GENNS03]
7. Prior to the commencement of operations and on completion of fitout, an inspection is to be arranged with Council's Environmental Health Officer for final approval.
[GENNS04]
8. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.
[PCC0055]
10. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP3: 2 ET @ \$10864	\$21,728
Sewer Banora: 2 ET @ \$2863	\$5,726

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

11. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

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

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

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

[PCC1145]

13. A noise management plan shall be prepared and submitted to Council's General Manager or his delegate for consideration and approval prior to the issuance of a construction certificate in respect to building works of the southern decking area, that details how noise from the use of the external areas will be managed and controlled so as to prevent the generation or emission of intrusive noise upon neighbouring and adjacent premises. The plan shall include but not be limited to the management of patrons, restricted hours of use and the like for these areas.

[PCCNS01]

14. Council's Environmental Health Officer shall be provided with plans drawn to a scale of 1:50 for assessment, detailing the following in regards to any proposed food area within the site prior to a construction certificate being issued:
- a. Layout of food preparation areas showing all equipment
 - b. All internal finish details including floors, walls, ceilings and lighting
 - c. Hydraulic design in particular method of disposal of trade waste
 - d. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
 - e. Servery areas including counters etc.
- [PCCNS02]
15. Prior to issue of a Construction Certificate for Stage 3 the applicant is to submit to Tweed Shire Council's General Manager or his delegate a car parking layout plan that details a weather proof seal and formal spaces marked out within the existing overflow grass parking area. This sealed area is to comprise 135 spaces to achieve total on site parking requirements as specified within DCP No. 2.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

16. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

17. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

18. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

19. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

20. Prior to the commencement of any works below 1.0m of the current surface level, an Acid Sulfate Soils Management Plan to the satisfaction of Council's Director of Environment & Community Services shall be provided and implemented at the site.

[PCWNS01]

DURING CONSTRUCTION

21. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm
No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

22. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

23. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0395]
24. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0405]
25. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations. [DUR0415]
26. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority. [DUR0645]
27. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428-Design for Access and Mobility. [DUR1725]
28. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building. [DUR2485]
29. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR2495]
30. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]

31. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR2535]
32. The south eastern end of the corridor on the ground floor which services the administration offices is to be provided with a -/60/30 self closing or automatic closing fire door. This door is to be provided to provide and maintain similar fire separation to that provided by the existing sliding fire door at the base of the stairway leading up to the gaming area. [DURNS01]
33. By the completion of Stage 3 the site is to accommodate a minimum of 715 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890. [DUR0085]
34. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos. [DUR0655]
35. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
36. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices. [DUR1505]
37. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises. [DUR1535]
38. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
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[DUR1545]

39. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

40. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

41. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

42. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

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

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

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

[DUR2555]

44. Acoustic barriers as outlined in Figure No. 2": Proposed Building Layout - Ground Level" in the Environmental Noise Impact Report for Seagulls Club, Tweed Heads West prepared by Jay Carter Acoustical Consultant dated 30 January 2006 (Report Reference: 125 Report) shall be installed at the site prior to the use of the refurbished areas

[DURNS02]

45. Where works shall extend below 1.0m and/or if groundwater is encountered during any works on the site, all works shall cease and a Dewatering Management Plan that considers acid sulfate soil to the satisfaction of Council's Director of Environment & Community Services shall be prepared and implemented at the site.

[DURNS03]

46. Works shall be carried out in accordance with the Report on Geotechnical Investigation for the proposed extensions to Seagulls Club, Gollan Drive, Tweed Heads prepared by Douglas Partners Pty Ltd dated 28 February 2006 (Project No: 33805).

[DURNS04]

47. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

48. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

49. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

[POC0525]

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

[POC1045]

USE

51. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

52. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.

[USE0225]

53. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code.

[USE0835]

54. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

55. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

56. The proposed rooftop plant shall be set on low speed after 12.00am (midnight) when in use.

[USENS01]

57. Until such time that the water cooling tower is removed from the site, the tower and associated equipment shall be operated and maintained in accordance with AS3666: 1-3 and the *NSW Code of Practice for the Control of Legionnaires' Disease*, June 2004, 2nd edition. Council shall be notified of the removal of the water cooling tower from the site.

[USENS02]

58. Prior to use of Stage 3 the overflow grassed parking area is to be constructed in accordance with the Council approved plan as required by this consent.

[USENS03]

GENERAL TERMS OF APPROVAL

PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948

1. Erosion and sediment control measures shall be employed for the duration of construction works to minimise silts and sediments from entering the Terranora Broadwater.
2. Any excavated material containing potential acid sulfate soils shall be managed in accordance with ASMACC Guidelines (1998).
3. Excavation operations shall be conducted so as not to damage or cause erosion of the adjoining riverbank and to ensure minimal impact on existing riparian vegetation.

FOR VOTE - Unanimous

P2 [PD-PC] Section 96 Application DA04/1528.03 for a 76 Lot Residential Subdivision (MOD 76-6-2006 Modifying DIPNR DA 243-10-2004) at Lot 242, 243 DP 1082837, No. 159 Overall Drive, Pottsville

P 141 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that the Department of Planning be advised that it is Council's recommendation to amend Conditions B6 (b) (i) and B9 (g) to reflect:

1. The following design standard for the cycleway for those allotments adjoining the Mooball Creek Riparian Buffer:

A 1.2 metre high retaining wall is to be constructed on the lot boundary with the structure being contained on private land. From the base of the retaining

wall the fill batter is to slope down at a constant grade of 1:4 for a horizontal distance of 4.0 metres. At this point the fill embankment is to be reduced to a grade of 1:40 (2.5%) for 4.0 metres on which a 2.5 metre wide concrete cycleway is to be centrally constructed in accordance with Council Standards. From this point, being 8.0 metres from the property boundary, the fill batter is to revert to a grade of 1:4 until the embankment intersects with the natural ground level. This section of the embankment is to be revegetated in accordance with a vegetation management plan to be submitted and approved by Council prior to planting being undertaken.”

2. The following design standard for the cycleway for those allotments adjoining the southern boundary of the subdivision:

A 1.2 metre high retaining wall is to be constructed on the lot boundary with the structure being contained on private land. From the base of the retaining wall the fill batter is to slope down at a constant grade of 1:4 until it is 0.4m higher than natural ground level. At this point the fill embankment is to be reduced to a grade of 1:40 (2.5%) for 4.0 metres on which a 2.5 metre wide concrete cycleway is to be centrally constructed in accordance with Council Standards. From the southern edge of the 4m cycleway platform, the embankment is to revert to a grade of 1:4 until the embankment intersects with the natural ground level.

The transition from the standard specified in (1) to that specified in (2) can commence from the southeast most corner of the proposed allotments but must comply with the design standards specified in DCP16.

These conditions

- minimise the fill footprint on the riparian zone and provide a clear definition between the public and private realm;
- ensure the retaining wall is located on private property and not become a maintenance and safety issue for Council.

FOR VOTE - Unanimous

P3 [PD-PC] Consolidation of the Development Control Plans - Amendment to the Local Environmental Plan 2000

P 142 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Council:

1. Resolves to inform the Department of Planning that it intends to prepare a draft Local Environmental Plan to amend Tweed Local Environmental Plan

2000, in accordance with Section 73A of the Environmental Planning and Assessment Act 1979, as follows:

- Amend the date for DCP 40 – Exempt and Complying Development and DCP5 - Development of Flood Liable Land to that of the adopted consolidated DCP;
- Amend the following references:
 - DCP 5 – Development of Flood Liable Land to Section A3 – Development of Flood Liable Land;
 - DCP 40 Exempt and Complying Development to Section A10 – Exempt and Complying Development;
 - Development Control Plan No 18 – Tweed Heads to Section B2 – Tweed Heads;
 - 'development control plans' to 'Tweed Development Control Plan';
 - Under Clause 34(e) delete the words '*relevant Development Control Plan*' and insert '*relevant Sections under Tweed Development Control Plan*'.

FOR VOTE - Unanimous

P4 [PD-PC] Section 96 Application D88/0640.01 for an Amendment to Development Consent D88/0640 for the Establishment of a Tourist Resort at Lot 1 DP 779817; Lot 1 DP 408972, No. 440 Wooyung Road, Wooyung

P 143 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that: -

1. The applicants be advised Council will place the application on public exhibition and refer it to relevant Government Agencies for comment.
2. Council formally requests the Minister for Planning to review the legislation and judicial case law relating to commencement and lapsing of development consents given the current interpretation by the Courts of these procedures.

FOR VOTE - Unanimous

P5 [EO-PC] SC06/0032 Road Widening - Lot 2 DP 777844, Coast Road, Bogangar

P 144 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council refuses the subject subdivision certificate application for the following reasons:-

1. The current situation where the customer car parking and other supporting infrastructure is located on the Bogangar Primary School property is considered best practice as the Department of Education retains control over this infrastructure.
2. The development application for the construction of the school made no reference to the current proposal to dedicate the customer car parking and supporting infrastructure as public road.
3. The retention of the customer car parking and supporting infrastructure within the school property reflects the recommendations of the Parliamentary Joint Standing Committee into Road Safety's Staysafe Report No. 53 in that it allows the Department of Education to actively manage and control this infrastructure to maintain adequate levels of safety for school children. Council would not be able to provide this level of safety management.
4. The proposal inequitably transfers the legitimate liability of the Department of Education, in terms of maintenance, to another Authority.
5. The General Manager is requested to prepare a submission to the Minister for Education expressing concern with regard to school safety and the submission to be copied to the Minister for Local Government.

FOR VOTE - Unanimous

P6 [EO-PC] SC06/0031 Road Widening - Lot 9 DP 1082139, Eucalyptus Drive, Banora Point

P 145 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council refuses the subject subdivision certificate application for the following reasons:-

1. The current situation where the bus bays and other supporting infrastructure is located on the Banora Point High School property is considered best practice as the Department of Education retains control over this infrastructure.
2. The development application for the construction of the school made no reference to the current proposal to dedicate the bus bays and supporting infrastructure as public road.
3. The retention of the bus bays and supporting infrastructure within the school property reflects the recommendations of the Parliamentary Joint Standing Committee into Road Safety's Staysafe Report No. 53 in that it allows the Department of Education to actively manage and control this infrastructure to maintain adequate levels of safety for school children. Council would not be able to provide this level of safety management.
4. The proposal inequitably transfers the legitimate liability of the Department of Education, in terms of maintenance, to another Authority.
5. The General Manager is requested to prepare a submission to the Minister for Education expressing concern with regard to school safety and the submission to be copied to the Minister for Local Government.

FOR VOTE - Unanimous

P 146 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the Planning Committee resumes in Open Council under the Chairmanship of Administrator Willan.

FOR VOTE - Unanimous

184 COUNCIL DECISION:

**Administrator Willan
Administrator Turnbull**

RESOLVED that the recommendations of the Planning Committee held Tuesday, 26 September 2006 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

185 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

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

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

O1 [GC-OC] Application for Financial Assistance - Australian Paralympic Committee

O 242 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that Council provides a donation in the amount of \$400 towards the Australian Paralympic Committee initiative Connect1000.

FOR VOTE - Unanimous

O2 [GC-OC] Application for Financial Assistance - Pottsville Beach Tennis Club

O 243 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that Council donates an amount of \$473.00 to the Pottsville Beach Tennis Club, being the amount equivalent to the 2006/2007 sewerage charge.

FOR VOTE - Unanimous

03 [GC-OC] Monthly Investment Report for Period Ending 31 August 2006

O 244 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 August 2006 totalling \$132,569,037.37 be received and noted.

FOR VOTE - Unanimous

04 [EO-OC] Road Closure Application - Parish of Mooball

O 245 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council provides no objection to the closure of the section of Crown Road Reserve running East to West within Lot 221 DP 1003549.
2. Council objects to the closure of the Crown road reserve within Lot 223 DP 1003549.
3. An application be made to the Department of Lands to transfer to Council the section of road reserve within Lot 223 DP 1003549.

FOR VOTE - Unanimous

05 [EO-OC] Acquisition of Crown Land - Part of Crown Reserve R46741, Lot 1 in DP 1101923, Tweed Coast Road, Pottsville

O 246 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves the acquisition of part of Crown Reserve 46741 known as Lot 1 in DP 1101923 under the provisions of the Land Acquisition (Just

Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;

2. Lot 1 in DP 1101923 be classified as operational following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O6 [EO-OC] Road Closure Application - Parish of Chillingham

O 247 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council objects to the closure of the Crown Road reserve east, south east and through Lot 300 DP 1053375 and through Lot 301 DP1053375.
2. An application be made to the Department of Lands to transfer to Council the sections of Crown Road reserve running from Numinbah Road at the Eastern end to Lot 162 DP 755696 at the western end and the Crown Road reserves, east, south east and through Lot 300 DP 1053375 and through Lot 301 DP1053375 to firstly continue the network connection through Lot 300 DP 1053375, which may otherwise be severed and secondly to preserve the potential wildlife corridor and scenic escarpment through Lot 301 DP 1053375.

FOR VOTE - Unanimous

O7 [EO-OC] Acquisition of Crown Land - Reserve Number 56146, Bray Park

O 248 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves the acquisition of Lot 1 in DP 1092651 and Lot 1 in DP 1092652 under the provisions of the Land Acquisition (Just Terms

Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;

2. Lot 1 in DP 1092651 and Lot 1 in DP 1092652 be classified as operational following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

08 [EO-OC] Road Closure Application - Parish of Tyalgum

O 249 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council objects to the closure of the Crown road reserve running east and west of Lot 1 in DP 228691.
2. An application be made to the Department of Lands to transfer to Council the whole section of road reserve running south from Pumpenbil Road, north to the intersection of Tyalgum Road.

FOR VOTE - Unanimous

09 [EO-OC] Road Closure Application - Parish of Condong

O 250 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council raises no objection to the closure of the section of Crown Road Reserve running along the western boundary of Lot 2 DP 605944.
2. Council objects to the closure of the Crown Road reserve along the southern boundary of Lot 2 DP 605944.

3. An application be made to the Department of Lands to transfer to Council the sections of Crown Road reserve which form the full network of roads from Lot 5 DP 258530, through Lot 2 DP 605944, Lot 175 DP 755698, Lot 172 DP 755698, Lot 110 DP 659954 and Lot B DP 416611.

FOR VOTE - Unanimous

O10 [EO-OC] Classification of Land as Operational, Chinderah

O 251 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Lot 1 in DP 415317 be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993; and
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O11 [EO-OC] Land Acquisition for Road and Compensation Purposes - Dodds Road, Chinderah

O 252 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves the acquisition of proposed Lots 1 and 2 in a plan of acquisition for public road and the acquisition of proposed Lots 3 and 4 in the plan of acquisition for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Lots 1 and 2 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

012 [EO-OC] Classification of Land as Operational - Pottsville

O 253 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves the transfer of Lot 730 in DP 1068713 to Council pursuant to Consent Condition 58 of DA4420/276 at Pottsville;
2. Lot 730 be classified as "Operational Land" pursuant to Section 31 of the Local Government Act, 1993; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

013 [EO-OC] Sale of Part of Lot 21 Section 15 in DP 28390 - Marie Street, Tweed Heads South

O 254 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves the subdivision of Lot 21 Section 15 DP 28390 to excise the area burdened by the Easement to Permit Encroaching Structure to Remain and that all costs relating to the subdivision are to be borne by the owners of Lot 1 Section 15 DP 28266;
2. Council approves the sale of the parcel created by the subdivision to the owners of adjoining land, Lot 1 Section 15 DP 28266 for the sum of \$13,794 by private treaty;
3. The disposal of the land falls within "special circumstances" in Council's Disposal of Land Policy; and
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O14 [EO-OC] River Health Grants - Major Project at Byangum

O 255 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council votes the expenditure of \$60,000 as described in this report under the River Health Grants Program.

FOR VOTE - Unanimous

O15 [EO-OC] Flood Mitigation Program Grant Funding

O 256 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council formally accepts the following grant monies and votes the necessary amounts to match the Government grants for each project:

Grant Program	Project	Funding Ratio	Total Grant Funding	Required Council Funding
Natural Disaster Mitigation Programme (NDMP)	Coastal Creeks Flood Study	1:1:1	\$66,666	\$33,333
Natural Disaster Mitigation Programme (NDMP)	Tweed Valley Floodplain Risk Management Study & Draft Plan	1:1:1	\$80,000	\$40,000
NSW Floodplain Management Program (State Only)	Maintenance of Flood Mitigation Works	1:1	\$24,200	\$24,200

FOR VOTE - Unanimous

O16 [EO-OC] Production of Master Plan and Plan of Management for Kingscliff Sportsfields

O 257 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Allocates an additional \$15,000 from Contribution Plan 5 to the production of a master plan and plan of management for Kingscliff Sportsfields and votes the expenditure.
2. Accepts the tender amount of \$43,530 (GST exclusive) by StratCorp Consulting to undertake the project.
3. Authorises the Acting Director of Engineering and Operations to approve any modifications or variations to the project as may become necessary.

FOR VOTE - Unanimous

O17 [EO-OC] Sports Advisory Committee

O 258 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Joanne Watters and Neville Douglas be appointed as community representatives on the Sports Advisory Committee for a two-year tenure.

FOR VOTE - Unanimous

O18 [EO-OC] EC2006-078 Manufacture, Supply and Delivery of DN 125 to 450mm Diameter Pressure Pipe

O 259 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Vinidex Pty Ltd be awarded the contract for the supply of M-PVC PN 16 pressure pipe as listed in the revised tender schedule with a contract price of \$133,307.55 (GST Excl).

FOR VOTE - Unanimous

O19 [EO-OC] EQ2006-119 Expressions of Interest for the Supply of Hardware, Electrical and Plumbing Materials as a Preferred Supplier

O 260 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that suppliers as detailed in the body of the report with the exception of the The Battery Specialist Group be accepted as Preferred Suppliers and that they be formally contacted and requested to nominate the level of discount that will apply for all materials purchased by Council from that supplier over the period of the preferred supplier arrangement.

FOR VOTE - Unanimous

O20 [EO-OC] Contract EC2006-097 Riverside Drive Tumbulgum Road Reconstruction and Revetment Works

O 261 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council awards contract EC2006-097 Riverside Drive Tumbulgum Road Reconstruction and Revetment Works to Turner Civil Works Pty Ltd with a contract price of \$282,220.64 (exclusive of GST).

2. The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum.

FOR VOTE - Unanimous

O21 [EO-OC] North East Weight of Loads Group - Delegation to Exercise Powers Under Road Transport (General) Act 2005

O 262 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Pursuant to Section 377 of the Local Government Act, 1993 Council appoints as its agent any authorised officer within the meaning of the Road Transport (General) Act 2005 who is at the time in the employ of the Ballina Shire Council for the purposes of Sections 136, 137, 138, 140, 171, 173 of the Road Transport (General) Act, 2005:-
2. Council completes the Delegation of Functions and Authority to Ballina Shire Council under the Common Seal of Council.
3. A report to be brought forward as to the action that has been taken.

FOR VOTE - Unanimous

O22 [EO-OC] Gruners Lookout, Tomewin Road

O 263 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. The three lookouts on Tomewin Road be removed.
2. The information at Gruners Lookout be made available to the Tweed Museum for display.
3. The General Manager provides a report to Administrators on opportunities for lookouts that can be sustained through time.

FOR VOTE - Unanimous

O23 [EO-OC] Water and Wastewater Activity Management Plans

Mr Patrick Knight, Acting Director Engineering & Operations tabled the Water and Wastewater Activity Management Plans.

O 264 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council exhibits the Water Supply & Wastewater Activity Management Plans for a period of 28 days through the Tweed Link and Council's web site.
2. Council officers bring forward a report detailing submissions received and recommended changes to the Activity Management Plans.

FOR VOTE - Unanimous

O24 [EC-OC] Rural Fire Service - Service Level Agreement

O 265 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council approves entering into a new District Rural Fire Service Agreement with the New South Wales Rural Fire Service for a period of three years commencing 31 October 2006 and affix the Common Seal of Council to the agreement.

FOR VOTE - Unanimous

O25 [EC-OC] Cancer Support Initiative "A Day of Sunshine"

O 266 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council continues to support Tweed Palliative Support Group, The Bright Side and Tweed Murwillumbah Cancer Support Group, to

encourage relevant health authorities to improve and expand cancer support services for our community.

FOR VOTE - Unanimous

O 267 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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

FOR VOTE - Unanimous

186 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the recommendations of the Operations Committee held Tuesday, 26 September 2006 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

187 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

188 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2006

189 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday, 1 September 2006 be received and noted; and
2. Director's recommendations be adopted as follows:-

BUSINESS ARISING:

Item from Meeting held 5 August 2005

2. Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

As per the Committee's recommendation being:

"That Council adopts the name "Goorimahbah" for the Indigenous Gardens at Jack Evans Boat Harbour."

Item from Meeting held Friday 14 July 2006

1. Gold Coast Airport Runway Extension

As per the Committee's recommendation being:

"That Council forwards a copy of the Cobaki and Terranora Broadwater Aboriginal Cultural Heritage Management Plan to Mr. Benton, Environment Manager, Gold Coast Airport."

FOR VOTE - Unanimous

2 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 14 September 2006

192 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday, 14 September 2006 be received and noted; and
2. Director's recommendations be adopted as follows:-

GENERAL BUSINESS:

PART A

- 2. Terranora Road, Terranora**
Terranora Road; Traffic - Safety; Transport Bus Services - Stops;
DW1450499

As per the Director's Comments on this item being:

"That the Traffic & Transport Engineer to write an appropriate letter to the Department of Motor Transport."

-
- 5. Twin Towns Triathlon Club Season**
DW1454349; Bicycle Matters - General; Sport & Recreation - General;
Roads General; Road Closures - Temporary

As per the Committee's recommendation being:

"That Council supports the request to run the Twin Towns Triathlon Club Cycle Event on Council roads subject to the following conditions:-

- *The cycle leg of TTTC Saturday morning competition comprises 14.5 km course with members on the road at intervals between 6:15am and 7:15am;*
- *Approval for the TTTC Program to start on 23 September 2006 and conclude on 24 March 2007 (a total of 28 weeks);*
- *All members must adhere strictly to NSW road rules;*
- *Bikes must meet strict standard of maintenance/lights (front & rear) compulsory for early starters;*

- *Helmets must be worn at all times;*
- *Drafting is illegal (bunches should not form);*
- *Road signs are displayed at strategic points to alert motorists of the presence of cyclists;*
- *All competitors are numbered allowing identification of any breaches of road rules;*
- *Competition will be cancelled when weather conditions are dangerous, as the club has a duty of care to all members;*
- *All members understand their obligation to be part of the road traffic flow and at no time to take precedence over normal traffic flow."*

8. Pottsville Road, Pottsville

DW1460448; Pottsville Road; Speed Zones

As per the Committee's recommendation being:

"That the 60kph speed zone be extended on Pottsville Road to west of the new roundabout to the Seabreeze Estate Subdivision to the crest of the hill on Pottsville Road."

9. Wollumbin Street, Murwillumbah

DW1444505; Parking - Zones; Disability Access Committee; Handicapped/Disabled Matters; Wollumbin Street

As per the Committee's recommendation being:

"That one space in the Council car park between Wollumbin Street and Proudfoots Lane be designated as a disabled space at the Wollumbin Street end."

FOR VOTE - Unanimous

ORDERS OF THE DAY

3 [NOM] Tugun By-pass - Drainage Works

193 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Council asks Gold Coast Airport Limited to explain the circumstances as to when and who authorised the work associated with the

overflow channel and the reason for water which would normally be discharged through Coolangatta Creek being diverted into Cobaki Broadwater.

FOR VOTE - Unanimous

4 [NOM] Coolangatta Creek Sea Outlet

194 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that Council asks Gold Coast City Council to ensure that the Coolangatta Creek sea outlet is kept open at all times in view of the massive build up of sand in and around the location of this outlet and assures the Tweed Shire Council that there would be no adverse impact on drainage back into the Tweed Shire.

FOR VOTE - Unanimous

5 [NOM] Brief on Project - Desalination Plant

195 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that in view of information contained in documents produced for Gold Coast Airport Limited which drew attention to leachate allegedly emanating from the Gold Coast City Council garbage dump and the publicity that Gold Coast City Council is apparently planning to construct a desalination plant on this site, Council asks for a briefing on this project and in particular in regard to the potential for any leachate and brine from a future desalination plant to discharge to Cobaki Lakes and the Tweed Shire Council area.

FOR VOTE - Unanimous

QUESTION TIME

[QT] Rate of Development Activity

Administrator Turnbull

There have been reports that the rate of development activity has slowed over the last 15 months in the Tweed Shire.

Could the General Manager please advise us whether this is the case, and in particular whether there has been a change in the number of DA's lodged and approved by Council?

The General Manager advised that the development income as at 31 August 2006 is \$247,523 (114 applications) and based on pro rata projections this could total in the order of \$1,485,000 compared to a budget estimate of \$1,219,000.

The comparative income amounts from the previous two financial years are:

	31 August	No. of DA's	Total Actual
2005/2006	\$133,837	109	\$1,085,984
2004/2005	\$277,548	109	\$1,188,517

It was further noted that income from building fees was standard across the three financial years as follows:

	31 August
2006/2007	\$144,691
2005/2006	\$144,465
2004/2005	\$143,744

196 COUNCIL DECISION:

Administrator Boyd Administrator Turnbull

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

FOR VOTE - Unanimous

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

1 [PD-CM] Unauthorised Clearing of Threatened Species at Former Terranora Lakes Country Club - Lot 2 DP 867486 & Lot 33 DP 1085109 Marana Street, Bilambil Heights

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 70 COMMITTEE DECISION:

That Council commences legal proceedings in the Land and Environment Court in collaboration with the Department of Environment and Conservation against the landowner of Lot 2 DP 867486 and Lot 33 DP 1085109 for a breach of Council's Tree Preservation Order 1990 and 2004 and Tweed Local Environmental Plan 2000 zoning.

FOR VOTE - Unanimous

2 [PD-CM] Dwelling Entitlements - Lots 7 & 8 Section 1 DP 30012 Dalton Street, Terranora

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 71 COMMITTEE DECISION:

That: -

1. Council resolves the erection of a dwelling house on Lots 7 and 8 DP 30012 is permissible with consent on the basis of the savings clause 31(3) in the Tweed Local Environmental Plan 1987 and Clause 57 in the Tweed Local Environmental Plan 2000.

2. Council resolves to rezone the area of Lots 1-12 DP 30012 to 2(a) Low Density Residential in the current review of the Tweed Local Environmental Plan 2000.
3. Council's rate search (Section 603) and Section 149 information for Lots 3, 4 and 5 Section 2 DP 30012 Dalton Street be notated that there is one dwelling entitlement for the 3 lots and to require the consolidation of these lots for the effluent disposal area associated with the dwelling.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

Nil.

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 3 [EO-CM] Land Acquisition - Part Lots 5 and 6 Section 1 DP 1223, Riverside Drive, Tumbulgum

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) personal matters concerning particular individuals

C 72 COMMITTEE DECISION:

That:-

1. Council approves the acquisition of part of Lots 5 & 6 Section 1 in DP 1223 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. The subject land 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

4 [EO-CM] Acquisition of Crown Land - Kirkwood Road, Tweed Heads

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 73 COMMITTEE DECISION:

That:-

1. Council approves the acquisition of Lots 1 to 4 in DP 240599 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Council approves the acquisition of Easement for services 4 metres wide within Lot 656 in DP 755740 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;
3. Council approves the acquisition of a right of public access over Lot 7067 in DP 1053029 in favour of Lot 656 in DP 755740 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;
4. Lots 1 to 4 in DP 240599 be dedicated as road following gazettal of the acquisition; and
5. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

5 [EO-CM] Acquisition of Easement for Drainage 3 metres wide within Lot 1444 in DP 31968 - Terranora

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) personal matters concerning particular individuals

C 74 COMMITTEE DECISION:

That:-

1. Council approves entering into negotiations with the owner of Lot 1444 in DP 31968 for the creation of an Easement to Drain Water 3 wide for the benefit of Council , or should negotiations fail to reach agreement, the acquisition of the Easement under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. All costs associated with 1 above are to be met by the owner of Lot 32 DP 1085109; and
3. All necessary documentation be executed under the common seal of Council.

FOR VOTE - Unanimous

6 [EO-CM] Sale of Lot 2 DP 555141 - Recreation Street, Tweed Heads

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 75 COMMITTEE DECISION:

That Council:

1. Approves the sale of Lot 2 in DP 555141 located at Recreation Street, Tweed Heads as part of the joint venture for the sale of 41 & 43 Boyd Street, Tweed Heads;
2. Enters into an agreement detailing the joint venture where the General Manager has delegated authority to negotiate a range of acceptable tender amounts to effect the sale of 41 Boyd Street, Tweed Heads and Lot 2 in DP 555141 at Recreation Street, Tweed Heads; and
3. Approves that the procedure for the disposal of the land falls within "special circumstances" pursuant to Council's Disposal of Land Policy;
4. Approves entering into a private treaty agreement for the sale of 41 Boyd Street, Tweed Heads and Lot 2 DP 555141 at Recreation Street, Tweed Heads with the successful tenderer; and
5. Executes all necessary documentation under the Common Seal of Council.

FOR VOTE - Unanimous

7 [EO-CM] Application to Transfer Crown Road Reserve to Council - Mooball

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 76 COMMITTEE DECISION:

That:-

1. An application be made to Department of Lands to transfer to Council the section of Crown Road that runs from East to West and separates Lot 162 in DP 755721 from Lot 1 in DP 208248 and Lot 1 in DP 780199.

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

FOR VOTE - Unanimous

8 [EO-CM] Lease to Murwillumbah Pistol Club - Wardrop Valley

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 77 COMMITTEE DECISION:

That this item be deferred to the next Council meeting for further discussion.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

9 [EC-CM] Lease of Additional Space at the Gallery by the Cafe

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 78 COMMITTEE DECISION:

That Ms Hamlin (trading as Butlers on the Run) be offered the lease of the proposed space for the sum of \$206 per calendar month (inclusive of GST & electrical costs) and that a suitable amended agreement be prepared and all such documentation be completed under the common seal of Council.

FOR VOTE - Unanimous

197 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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 5.21pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman

