



AGENDA

ORDINARY COUNCIL MEETING Tuesday 13 February 2007

Chairman: Mr Frank Willan

**Administrators: Ms Lucy Turnbull
Mr Max Boyd AM
Mr Frank Willan**

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ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
	ABORIGINAL STATEMENT	5
	CONFIRMATION OF MINUTES	5
	Minutes of the Ordinary and Confidential Council Meetings held Tuesday 23 January 2007	5
	SCHEDULE OF OUTSTANDING RESOLUTIONS	7
	Schedule of Outstanding Resolutions	7
	ORDERS OF THE DAY	13
1	[NOM] Climate Change	13
2	[NOM] Pacific Highway - Sextons Hill	13
3	[NOM] Pollution - Cobaki Broadwater	13
4	[NOM] Removal of Derelict and Unregistered Cars and Trucks and Abandoned Machinery	14
	CONFIDENTIAL ITEMS FOR CONSIDERATION	15
	REPORTS THROUGH GENERAL MANAGER IN COMMITTEE	15
	REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS	15
1	[EO-CM] Boundary Adjustment - Lot 2 & 3 DP 1075645 - Tweed Coast Road, Chinderah	15
2	[EO-CM] Acquisition of 69-71 River Street, Murwillumbah - Voluntary Purchase Scheme under the 2006/2007 Regional Flood Mitigation Program	15
3	[EO-CM] EC2006-160 Extensions to Murwillumbah Civic Centre	16

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

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."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 23 January 2007

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Minutes of the Ordinary Council Meeting held Tuesday 23 January 2007 (DW 1528996)
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 23 January 2007 (DW 1528932)
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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

25 JULY 2006

PLANNING COMMITTEE

REPORTS FROM DIRECTOR PLANNING AND DEVELOPMENT

P10 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 69 - Seabreeze Estate, Pottsville (Stage 2)

P111 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council defers this item so a workshop can be conducted on the draft Tweed Local Environmental Plan 2000, Amendment No 69 – Seabreeze Estate, Pottsville (Stage 2).

Current Status: Workshop to be organised in conjunction with assessment of DCP No 5.

ORDINARY MATTERS

ORDERS OF THE DAY

4 [NOM] Section 149 Certificates

150 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Council staff be requested to bring forward a report which addresses the desirability of including details regarding the constraints which apply to all agricultural land classified as being of State or Regional significance on all Section 149 Certificates relevant to these lands.

Current Status: Legal advice has been obtained and a report is to be prepared.

26 SEPTEMBER 2006

OPERATIONS COMMITTEE

O22 [EO-OC] Gruners Lookout, Tomewin Road

O 263 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

That:-

.....

3. The General Manager provides a report to Administrators on opportunities for lookouts that can be sustained through time.

Current Status: Report to be prepared.

19 DECEMBER 2006

OPERATIONS COMMITTEE

O1 [GM-OC] Tweed Economic Growth Management Strategy

O 324 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that:-

1.
2. The General Manager be requested to prepare a report on the options for the creation of employment land and precinct within land zoned for urban expansion and elsewhere in the Tweed Shire Council consultation with the Tweed Economic Development Corporation.

Current Status: Terms of reference being reviewed in conjunction with TEDC.

O6 [TCS-OC] A New Direction for Local Government - Department of Local Government Position Paper

O 329 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. ...
2. A draft submission be prepared for consideration by Council, prior to 6 March 2007.

Current Status: Report being prepared.

O7 [TCS-OC] Planning a Sustainable Future - Department of Local Government Options Paper

O 330 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1.
2. A draft submission be prepared for consideration by Council, prior to 6 March 2007.

Current Status: Report being prepared.

O16 [EO-OC] Tweed Integrated Water Cycle Management (IWCM) Context Study & Strategy Report

O 339 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that:-

1. ...
2. Council Officers bring forward a further report detailing a proposed Community Consultation program to facilitate the IWCM process.

Current Status: Report being prepared.

23 JANUARY 2007

OPERATIONS COMMITTEE

O3 [EC-OC] Tweed Shire Social Plan - Review 2006

O 1 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:

...

8. That Council prepares a report on the current status of community and public transport available within the Tweed.

Current Status: Report to be prepared.

ORDERS OF THE DAY

5 [NOM] Aboriginal Statement

NOTICE OF MOTION:

13 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the words of the aboriginal acknowledgement approved at the Council meeting held 6 July 2005 be referred to the Aboriginal Advisory Committee for consideration of members in view of a recent suggestion made by an Aboriginal person that the words "traditional owners" perhaps should be replaced by "original custodians".

Current Status: Notice of Motion referred to the Aboriginal Advisory Committee, awaiting comment.

QUESTION TIME

[QT] Hastings Point Road, Headland

Administrator Boyd

Asked will staff provide an estimate of cost to reconstruct or resurface the access road and parking area on Hastings Point Headland?

Current Status: General Manager responded that a report would be prepared disclosing the estimated cost of these works.

[QT] Groundwater Reserves - Tweed Shire

Administrator Boyd

Asked have there been any detailed assessments undertaken to identify and quantify groundwater reserves in Tweed Shire?

Current Status: General Manager responded that there was an amount of detailed information available. This information will be collated from the various sources and provided to Council.

CONFIDENTIAL ITEMS - 23 JANUARY 2007

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

3 [EC-CM] Request for Donation

REASON FOR CONFIDENTIALITY:

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

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

C 4 COMMITTEE DECISION:

That this item be deferred to obtain more information.

Current Status: Additional background information is being sought.

ORDERS OF THE DAY

1 [NOM] Climate Change

NOTICE OF MOTION:

Administrator Boyd moves:

In view of the international recognition by eminent scientists and governments around the world that climate change is an established fact and its rate of progress appears to have been underestimated, I will move:-

- a. That Council urgently reviews its operations to ascertain what Council can do to meet the challenges of climate change; and
 - b. That reports be brought forward with recommendations as to what specific actions can be implemented by Council to play its part in reducing the consequences of climate change.
-

2 [NOM] Pacific Highway - Sextons Hill

NOTICE OF MOTION:

Administrator Boyd moves:

Council requests the NSW Roads and Traffic Authority to construct a concrete barrier in the median of that section of the Pacific Highway over Sextons Hill where many accidents and fatalities have occurred.

3 [NOM] Pollution - Cobaki Broadwater

NOTICE OF MOTION:

Administrator Boyd moves:

As a follow up to the evidence provided to Council of possibly polluted water which is allegedly being dispersed into Cobaki Broadwater by persons unknown apparently involved with the construction of the Tugun Bypass, I move that Council requests immediate access to all water detention ponds and discharges emanating from these construction works to enable it to carry out its own laboratory tests of these waters.

4 [NOM] Removal of Derelict and Unregistered Cars and Trucks and Abandoned Machinery

NOTICE OF MOTION:

Administrator Boyd moves:

That Council undertakes an ongoing campaign to get rid of all derelict and unregistered cars and trucks and abandoned machinery in Tweed Shire in order to eliminate it as sources of chemical and visual pollution.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

- 1 **[EO-CM] Boundary Adjustment - Lot 2 & 3 DP 1075645 - Tweed Coast Road, Chinderah**

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

- 2 **[EO-CM] Acquisition of 69-71 River Street, Murwillumbah - Voluntary Purchase Scheme under the 2006/2007 Regional Flood Mitigation Program**

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: -

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

3 [EO-CM] EC2006-160 Extensions to Murwillumbah Civic Centre

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

