

The Meeting commenced at 4.16pm.

IN ATTENDANCE

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

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Mike Rayner (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), 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."

CONFIRMATION OF MINUTES

Minutes of the Council Meeting held 2 November 2005

561 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Wednesday, 2 November 2005 be adopted as a true and accurate record of proceedings of that meeting with the following change to the Council adoption of the recommendation at Item 2 (Point 1) of the Operations Committee held 2 November 2005 at Minute No 556, as follows:-

1. Council approves the acquisition of Easements for Drainage of Sewage created in DP 1070403, DP 1070404, DP 1070405, DP 107041 and 107042 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

562 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

563 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

[AM] Lifesaving Costs - Casuarina Beach

564 COUNCIL DECISION:

**Administrator Turnbull
Administrator Payne**

RESOLVED that:-

1. Council accepts the offer of \$10,000 from Consolidated Properties towards lifesaving services at Casuarina Beach for the 2005/2006 season.
2. Due consideration be made in future budgets for appropriate lifesaving services along the Tweed Coastline.

FOR VOTE - Unanimous

RECOMMENDATIONS OF THE OPERATIONS COMMITTEE

Recommendations of the Operations Committee Meeting held Wednesday 16 November 2005 for Council Adoption

565 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that Council adopts the recommendations of the Operations Committee Meeting held on Wednesday 16 November 2005 reproduced as follows, and noting that Administrator Boyd declared a Pecuniary Interest in Item 9 and took no part in the discussion or voting, and further Administrator Boyd recorded his vote against Item 2.

1[GC] Quarterly Budget Review - 30 September 2005

RECOMMENDED that :

1. *The Quarterly Budget Review Statement as at 30 September 2005 be adopted.*
2. *The expenditure and income, as detailed within the body of the report, be voted and adjusted in accordance with the revised total expenditure and income for the year.*

2[GC] Local Government Amendment Act 2005 - Councillor Numbers

RECOMMENDED that:

1. *Council gives public notice of its proposal to apply to the Minister for approval to reduce its councillor numbers and invite public submissions of the proposal.*
2. *The community consultation should be based on the five options, of 5,7, 9 or 11 Councillors or other suggestions.*
3. *Council conducts a referendum on the issue of a popularly elected Mayor to be held in conjunction with the 2008 Council elections.*
4. *Council does not conduct a referendum for the introduction of wards at the September 2008 elections.*
5. *Council prepare a paper, prior to the election, to be communicated in the Tweed Link setting out the options of advantages and disadvantages of having a popularly elected Mayor, with Administrators to assist with the case study.*

3[GC] Business Ethics Policy - Amendments

RECOMMENDED that Council's amended Business Ethics (1.1) Policy be adopted, as follows:-

Background

A business ethics policy outlines the moral standards which will guide the organisation in carrying out its business. It is the morality based structural framework which guides decision making and behaviour by all members of the organisation – in all of their actions and in relation to the responsibilities required by their role within the organisation. This framework exists concurrently with the legislative, regulatory and other policy requirements which mandate or otherwise affect the business of the organisation.

The business ethics of an organisation are based on the principles and values which are held/espoused by the organisation.

This Policy also establishes obligations of standards of behaviour by Contractors or Suppliers in the conduct of the supply of a good or service to Council.

The following business ethics policy is based on the principles of:

- Accountability & Transparency
- Respect for others and for legal authority
- Stewardship and Community Leadership

Policy Objective

To provide clear ethical guidance to Councillors, Staff, and Contractors and Suppliers, staff regarding the conduct of Council business.

Policy Statement

Councillors and Staff will conduct their role within the business of Council in such a way as to maintain the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.

Implementation

1. Councillors and Staff will comply with all requirements of state legislation and regulation relating to local government administration and land development.
2. Councillors and Staff will comply with requirements of Councils policies and procedures in particular the Code of Conduct and Procurement Policy, ensuring that prospective Contractors or Suppliers are afforded equal opportunity to tender/quote for all goods and services.
3. Behavioural guidance in matters of responsibilities and circumstances is provided by the detail in these policies. In particular Council Officers must not by virtue of their position accept or acquire for a personal advantage any gift, gratuities or hospitality except that which is permitted under Council's Code of Conduct or in accordance with the Local Government Act 1993.

4. The requirements of these policies will be brought to the attention of persons who deal with Council on business matters.
5. Councillors will maintain a clear separation between their work as advocates of particular matters and their work as a member of Council as a determining body.
6. Councillors, and Staff, Contractors and Suppliers will adopt a conservative approach to the avoidance and declaration of actual or potential conflict of interest and or pecuniary and non-pecuniary interest in matters which become the business of Council.
7. Councillors and Staff will be particularly meticulous with regard to the requirements of the Code of Conduct and Implementation 5 in relation to land development matters.
8. Councillors and Staff will act honestly and impartially and observe all requirements of equity and procedural fairness in their dealings with people and organizations who are involved in business with Council.
9. Councillors and or Staff who believe that their ability to operate within these guidelines has been compromised by the actions of others are required to advise the Mayor or General Manager respectively and withdraw from further action on the matter of business until completion of investigation and action by the Mayor or General Manager.
10. A Councillor and or staff member who does report such a matter will be protected by Councils Protected Disclosures Policy and the relevant State legislation.
11. Contractors or Suppliers are not to canvass Councillors or Staff in respect to gaining an advantage over the contractors or suppliers for the supply of a good or service to Council.

Policy Responsibility

Governance and Corporate Services

4[GC] 2006 Winter Paralympic Games

RECOMMENDED that Council donate \$250 to the Australian Sports Commission to fund the cost of sending the Australian team of athletes and staff to the Torino Games in March 2006.

5[GC] 2004/2005 Annual Report

RECOMMENDED that this report be received and noted.

6[GC] Corporate Quarterly Report - July to September 2005

RECOMMENDED that this report be received and noted.

7[GC] Monthly Investment Report for Period Ending 31 October 2005

RECOMMENDED that this report be received and noted.

8[EO] Land Acquisition for Road & Compensation Purposes - Palmvale Road, Reserve Creek

RECOMMENDED that:--

1. Council approves the acquisition of Lots 1 to 7 in DP 1083260 for public road and the acquisition of Lots 8 to 10 in DP 1083260 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993;
2. Lots 1 to 7 in DP 1083260 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

9[EO] Licence Agreement over Crown Reserve 91717 for Agistment Purposes - Limpinwood

DECLARATION OF INTEREST

Administrator Boyd declared an non-pecuniary interest in this item and took no part in the discussion or voting. The nature of the interest is that Administrator Boyd knows the licensees over Crown Reserve 91717.

RECOMMENDED that:-

1. Council, as Trustee of Crown Reserve 91717, approves entering into a further five year term of an existing Licence Agreement with AW & JL Waldron to expire on 30 June, 2010;
2. All necessary documentation be executed under the Common Seal of Council.

10 [EO] Lease to Chillingham & Tyalgum Community Pre-School Inc

RECOMMENDED that:-

1. *Council Resolution Item 22 of 1 June 2005 as follows:-*

“That:-

1. *Council approves entering into a Lease Agreement with the Tyalgum Pre-School Committee for a Lease Agreement over Lots 110 and 111 in DP 1061262 at Carraboi Terrace, Tyalgum for a term of five (5) years at annual rental of \$1.00 and an option for a further five (5) years; and*
2. *All necessary documentation be executed under the Common Seal of Council.”*

be rescinded;

2. *Council approves entering into a Lease Agreement with the Chillingham & Tyalgum Community Pre-School Incorporated over Lots 110 and 111 in DP 1061262 at Carraboi Terrace, Tyalgum for a total term of twenty one (21) years at an annual rental of \$1 per annum; and*
3. *All necessary documentation be executed under the Common Seal of Council.*

a10 [EO] Release of Unnecessary Restrictions on Use - Subdivision of Land at Casuarina - Lot 54 in DP 1030322

RECOMMENDED that:-

1. *Council approves the release of Restriction on Use seventhly created by DP 1030322 and burdening Lot 54 in DP 1030322;*
2. *All necessary documentation be executed under the Common Seal of Council.*

11 [EC] Disposal of Waste Material - Ballina Shire

RECOMMENDED that:-

1. *Agrees to accept waste material from Ballina Shire for a period of six (6) months at a royalty payment of \$30/tonne.*
2. *\$24/tonne of the royalty payment of \$30/tonne be quarantined in a non domestic waste reserve to assist with the construction costs of future landfill disposal cells.*
3. *The further acceptance of waste from Ballina Shire beyond the six months be reviewed after four months of landfilling of the waste.*
4. *Council advises Ballina Shire that this arrangement is short term and is unlikely to be continued beyond the six-month period.*

12 [EC] AAA Rated Shower head and Compact Fluorescent Light Globe Give-A-Way

RECOMMENDED that:

1. *This report be received and noted.*
2. *Council's Agenda 21 Officer, Dan Walton be congratulated on this initiative.*

13 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 October 2005

RECOMMENDED that the:-

1. *Minutes of the Aboriginal Advisory Committee Meeting held Friday, 7 October 2005 be received and noted; and*
2. *Director's recommendations be adopted as follows:*

BUSINESS ARISING:

2. *Cobaki and Terranora Broadwater Management Plan*

As per Committees recommendation being:

That Council:-

1. *Advises which Aboriginal cultural and heritage issues are being addressed in Development Control Plan No 17 - Cobaki Lakes, and*
2. *Develops an Aboriginal Cultural Heritage Management Plan for the whole of the Tweed Shire.*

GENERAL BUSINESS:

2. *Traffic Issues – Phillip Street, Chinderah*

As per Committee's recommendation being:

That this matter be referred to the Local Traffic Committee with a recommendation for installation of a roundabout at the corner of Phillip Street and Wommin Bay Road, Chinderah and that more prominent warning signage be put in place.

14 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 October 2005

RECOMMENDED that the:-

1. *Minutes of the Tweed Coastal Committee Meeting held Wednesday, 12 October 2005 be received and noted; and*

2. *Director's recommendations be adopted as follows:*

BUSINESS ARISING:

2. *Private Sewerage Pumping Facilities*

OSSM

As per Committee's recommendation being:-

"... that Council be advised of the Tweed Coastal Committee's of its concern, due to reports of overflows to waterways, about the lack of regulation of on-site private sewerage pump facilities and their maintenance, lack of records kept, and lack of installation standards. All existing and new facilities need to be on a register and included on the regular maintenance schedule."

15 [SUB-TDAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held 20 October 2005

RECOMMENDED that the:-

1. *Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday, 20 October 2005 be received and noted; and*
2. *Director's recommendations be adopted as follows:*

With regard to Item 7 of Correspondence – Application for Committee membership

As per the Committee's recommendation being:

"... that Ms Lewin be accepted as a member of the Disability Access Committee."

16 [SUB-CHD] Minutes of the Clarrie Hall Dam Fishery Management Committee Meeting held Wednesday 26 October 2005

RECOMMENDED that the:-

1. *Minutes of the Clarrie Hall Dam Fishery Management Committee Meeting held Wednesday, 26 October 2005 be received and noted; and*
2. *Director's recommendations be adopted as follows:*

BUSINESS ARISING:

1. *Fish Stocking Program*
Water Headworks – Dams – Clarrie Hall - Fish Stocking

As per the Committee's recommendation being:

That NSW Fisheries be contacted and their reconsideration be requested for the supply of bass fingerlings from sources other than those nominated by them to provide a more cost effective and competitive supply arrangement.

FOR VOTE - Unanimous

RECOMMENDATIONS OF THE PLANNING COMMITTEE

Recommendations of the Planning Committee Meeting held on Wednesday 2 November 2005 for Council Adoption

566 COUNCIL DECISION:

Administrator Turnbull
Administrator Boyd

RESOLVED that Council adopts the recommendations of the Planning Committee Meeting held on Wednesday 2 November 2005 as follows:-

- 1 ***[GM] Report on Tweed Shire Council Public Inquiry Recommendations***

RECOMMENDED that:

1. *This report be received and noted.*
2. *Administrators Boyd and Turnbull draft an Administrator's Minute in relation to the Public Inquiry recommendations insofar as it directly concerns Tweed Shire Council and the resilience of its planning controls and processes.*

- 2 ***[PD] Amendment to Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)***

RECOMMENDED that Council endorses draft Amendment of Section 94 Contribution Plan No 16 – Emergency Facilities (Surf Lifesaving) be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

3 [PD] Draft Tweed Local Environmental Plan 2000, Amendment No 57 (Koala Beach Stage 7)

RECOMMENDED that:

1. Council amends the draft Local Environmental Plan prepared by GeoLINK to enable up to 16 horses to be kept on that part of the land which is not proposed for environmental protection.
2. Council seeks a Section 65 Certificate from the Regional Director, Department of Planning, to exhibit the amended Draft Local Environmental Plan.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

1 [PD] Tweed Retail Strategy

567 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that:-

1. The character of existing towns and villages and the retail facilities they already have be protected.
2. Where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building new ones.
3. Reinforce Tweed Heads south as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.
4. Maintain and wherever possible enhance the special appeal of the retail centre of Murwillumbah and those village centres of similar style.
5. Limit the scale of new large scale retail centres in the coastal region to a level which caters for the majority of chore type shopping needs. This concept to reflect the need to reduce fuel consumption and to support sustainability within each centre through discouraging vehicle use and encouraging walking and cycling.

6. Council does not support the establishment of another district retail shopping centre.
7. The retail concepts in these recommendations form the basis of locality plans in the Shire and any retail development applications which are submitted in the interim of these locality plans being prepared and approved by Council be assessed so that the above retail strategies are supported and not compromised.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

- 2 **[EO] EC 2004-117 Supply of Manual Traffic Control Teams for Council Works**

568 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Traffic Services Australia Pty Ltd be granted a twelve (12) month extension of their contract to provide Manual Traffic Control Teams. The current rates and conditions will apply for the period of the contract extension with the contract to terminate on 1 December 2006.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

- 3 **[EC] Tender HC2005-186 Annual Agreement for Surf Life Saving Patrols**

This item was considered in conjunction with the Administrator's Minute of this Meeting (refer Minute No 564) where it was resolved as follows:-

***Administrator Turnbull
Administrator Payne***

That:-

1. *Council accepts the offer of \$10,000 from Consolidated Properties towards lifesaving services at Casuarina Beach for the 2005/2006 season.*
2. *Due consideration be made in future budgets for appropriate lifesaving services along the Tweed Coastline.*

FOR VOTE - Unanimous

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

4 [NOM] Council's Vehicle Fleet

NOTICE OF MOTION:

569 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that Council staff investigate and report upon the most efficient and least costly power source for Council's vehicle fleet and undertake a cost benefit analysis of introducing hybrid vehicles as the existing fleet is replaced.

FOR VOTE - Unanimous

5 [NOM] Use of Council Crest/Council Logo

NOTICE OF MOTION:

570 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that as a matter of policy candidates for Tweed Shire Council elections be completely debarred from using Council's logo and/or Coat of Arms on any item of literature generated by them as election material.

FOR VOTE - Unanimous

QUESTION TIME

Nil.

There being no further business the Meeting terminated at 4.27pm.



Minutes of Meeting Confirmed by Council
at Meeting held

Chairman