

The Meeting commenced at 3.15pm.

IN ATTENDANCE

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Rev. Ian Proctor:

"Jesus said: Come to me, all you who are weary and burdened, and I will give you rest. Take my yoke upon you and learn from me, for I am gentle and humble in heart, and you will find rest for your souls. For my yoke is easy and my burden is light. (Mathew 11:28 - 30 NIV).

Almighty God, you have been the dwelling place of your people in all generations; your mercies are more than we can number, and your compassion is without end. You judge your people with wisdom and rule them with love: therefore we pray, give a spirit of discernment and understanding to the administrators who have been placed over us that they make wise decisions as they deal with the business of the Tweed Shire Council that is brought before the meeting here at Murwillumbah this afternoon. May all business be dealt with in an equitable and honourable way without fear prejudice or favour? God our Father and Creator, your hand is open wide to satisfy the need of every living creature: may this Tweed Shire Council be so minded and where appropriate give of its resources to assist those in need who are within its gates, its borders, especially those that are destitute or homeless and in urgent need of help, and make all of us ever thankful for your loving providence Father God. Mighty God, who's Word we trust, whose Spirit prays in our prayers: accept our requests for Tweed Shire Council and its Administrators and further those which will serve your purpose in this place; through Jesus Christ, who rules over all things. Amen."

May I on behalf of the Murwillumbah Ministers Fraternal extend to each of you, your families and your Council staff the Seasons Greetings? Have a very merry and joyous Christmas and a peaceful, happy and prosperous 2006.

CONFIRMATION OF MINUTES

Minutes of the Operations Committee Meeting held Wednesday 30 November 2005

O 211 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RESOLVED that the Minutes of the Operations Committee Meeting held 30 November 2005 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.

ACCESS - OPERATIONS

Name	Subject
Rose Wright - Kingscliff Hall Rejuvenation Committee	Item 20 Kingscliff Amenities Hall Restoration

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES

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

O 212 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that Council:-

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

FOR VOTE - Unanimous

2 [GC] Draft Disposal of Assets and Lands Policy

O 213 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that:

1. The Draft Disposal of Assets Policy; and
2. Draft Disposal of Land Policy be adopted:

1.1 DISPOSAL OF ASSETS

Objectives

The objectives of Tweed Shire's Council's Disposal of Assets Policy and Procedures are is as follows: -

- ~~To ensure Council at all times complies with Council's Disposal of Assets Policy and Procedures;~~

- To clearly define a framework, responsibilities and [procedures-guidelines](#) for Council Officers to manage the disposal of assets and scrap materials.

[This Policy does not apply to Disposal of Land as there is a separate Disposal of Land Policy.](#)

Sourcing Of Council Policy

The Disposal of Assets Policy ~~and Procedure~~ is: -

Listed on the Council's ~~Intranet~~[Intranet and Internet](#) under Policies.

Legal Requirements

The disposal [of](#) goods and services by Council is not prescribed in the Local Government Act other than:

Section 55 of the Local Government Act 1993

This section of the Act does not apply in respect to :-

- ~~• a contract for the sale by Council of land, or~~
- ~~• a contract for the sale of goods by Council at public auction.~~

~~Council Policy – Council Land~~

~~Sale~~

~~Council must authorise the sale of land or other property.~~

~~Disposal of Land~~

~~Council will dispose of land or property in accordance with its Policy – Council Land Sale.~~

~~Council Policy requires :-~~

~~*Before Council makes any decision to dispose of Council-owned land, the proposal is to be advertised for 21 days and any submissions received as a result of this advertising shall be considered in a report to Council prior to a final decision being made;*~~

~~*All Council-owned land shall be sold by public auction except in special circumstances as resolved by Council. For the purpose of fixing a price or reserve, Council is to obtain a valuation of the property being sold from a registered qualified valuer operating within the Tweed Council area.*~~

Disposal of Plant, Equipment and Goods

The General Manager has the delegation to authorise the sale of items of plant, equipment and goods.

[Internal controls for goods with a value over and under \\$1,000 have been developed to manage disposal of assets which includes scrap materials.](#)

Value over \$1,000

Council will dispose of plant, equipment and goods with an apparent value of \$1,000 or more by auction or ~~the-by~~ invitation of tenders or quotations with the Unit Director or Manager recommending the most appropriate method of disposal. The General Manager must authorise the sale of the item of plant, equipment or goods.

In determining the most appropriate method of disposal, the Unit Director or Manager must evaluate the best value for money return on the item being disposed. The Officer will take into ~~the~~ consideration the costs that Council will incur if the item was being disposed of separately, in comparison to bottom line [of change-over price](#) of the replacement item being purchased.

The Council Officer responsible for disposing of the item of plant, equipment or goods s must advise the Finance Section – Assets of the item being disposed to enable the Asset Register to be managed effectively and efficiently.

Value under \$1,000

The method of disposal of plant, equipment and goods with an apparent value of under \$1,000 shall be at the discretion of the Unit Director or Manager.

Council Officers are to ensure that they determine the most appropriate method of disposing of these assets, managing potential risks of corruption and that the process is documented.

Low Value Assets and Scrap Materials

Definition

Consumable materials – sand, gravel, chemicals, paint, turf, hardware items, pavers;

Off-cut materials – pipe, cables, timber, plumbing fittings;

Recyclable metals- scrap metals, steel posts, brass, street signs; Office Furniture;

Technology – IT equipment, mobile phones, cameras, calculators, computers, printers

Council has identified low value assets and scrap materials as potential targets for misappropriation of its assets. Council Officers will monitor the disposition of low value assets and scrap materials to ensure that no inappropriate activities are being conducted by employees.

Disposal of Assets Administration

This policy has identified who is responsible for managing the processes for disposing of the assets.

Council actively encourages employees to come forward when they suspect corrupt conduct or ~~substantial~~ waste of its resources.

Employees are to return from the work site with goods and materials resources that have been purchased and not used on the project. These items must be placed in the relevant compound or left on vehicles to be used on the next project.

Where Council has established storage facilities for scrap materials, employees are to ensure that surplus goods and materials are placed in the storage facilities upon return to the depot and not left for potential misuse.

~~Council Officers are to conduct on an appropriate basis an audit of technology equipment, such as mobile phones, and cameras, calculators, computers and printers to ensure that the equipment are in the possession of the allocated employee.~~

DISPOSAL OF LAND

Objectives:

The objectives of Tweed Shire Council's Disposal of Land Policy is as follows:-

- To clearly define a framework, responsibilities and procedures for Council Officers to manage the disposal of land.

Sourcing of the Council Policy

The Disposal of Land Policy is listed on the Council's Intranet and Internet.

Legal Requirements

The disposal of land by Council is not prescribed in the Local Government Act other than:

Section 55 of the Local Government Act 1993

This section of the Act does not apply in respect to :-

- a contract for the sale of land; and

Council will dispose of land or property in accordance with its Policy - Council Land - Sale.

Council will dispose of all land owned in fee simple under the Real Property Act, 1900 or the Roads Act, 1993 in accordance with this Policy.

Real Property Act 1900

1. Council owned land held in fee simple under the Real Property Act, 1900 shall be disposed of in the following ways:

- (a) by public auction, or
- (b) by public tender,

except in special circumstances as resolved by Council.

1.1 Council shall call for expressions of interest to conduct the auction from auctioneers who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The auctioneer is to be appointed in a manner to be determined by Council.

1.2 Should the process by public auction or public tender not result in a sale, then the land will be listed with at least two (2) local real estate agents.

Council shall call for expressions of interest from real estate agents who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The real estate agents are to be appointed in a manner to be determined by Council

- 1.3 For the purpose of fixing a price or reserve, Council is to obtain a valuation of the property being disposed of from a registered valuer operating within the Tweed Local Government area.
- 1.4 Prior to the resolving to dispose of any Council owned land under the Real Property Act, 1900 Council will advertise its intentions to dispose of the land in a local newspaper and seek written submissions on the proposal to be made within a period of twenty (21) days from the date of the advertisement.

Any submissions received in response to the advertising shall be considered in a report to Council prior to any decision to proceed with disposal of the land.

- 1.5 Where land is to be sold in special circumstances as resolved by Council and before a Contract for the Sale of Land is entered into, the prospective Purchaser may be required to demonstrate to Council that any development proposed for the land is suitable for the site and adheres to the requirements of the current zoning and/or necessary rezoning applications will be pursued by the Purchaser at the Purchaser's expense.

Roads Act 1993 - Disposal

2. Council owned land held in fee simple under the Roads Act, 1993 includes all roads within the Tweed Local Government area excepting Crown Public Roads and freeways.

The disposal of land under the Roads Act, 1993 will proceed under the provisions of Divisions 1, 2 and 3 of Part 4 of the Roads Act, 1993.

- 2.1 Disposal of land under the Roads Act, 1993 will not require the proposal to be advertised as required for land held under the Real Property Act, 1900.

Disposal of Council owned land under the Roads Act 1993 requires a resolution of Council

FOR VOTE - Unanimous

3 [GC] Tweed Heads Southern Boat Harbour Slipway Refurbishment Project

O 214 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that due to the significant ongoing economic importance of the Tweed Heads Southern Boat Harbour Slipway Refurbishment Project, Council confirms its commitment of a total financial contribution of forty thousand dollars (\$40,000), towards the project.

FOR VOTE - Unanimous

4 [GC] Code of Meeting Practice

O 215 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the Code of Meeting Practice - How Often Does Council Meet - and any other associated sections be amended to cater for the following meeting arrangements:

1. Format

Meetings will be held every 3 weeks commencing Tuesday, 7 February 2006:

4:15pm	Reserves Trust
4:30pm	Planning Committee (includes Planning Access), followed by Operations Committee (includes Operations Access), followed by:
5.00pm	Community Access followed by Council Meeting

2. Proposed Dates (note meetings now proposed to be held on Tuesday)

7 February 2006
28 February 2006
21 March 2006
11 April 2006
2 May 2006
23 May 2006
13 June 2006
4 July 2006
25 July 2006

15 August 2006
5 September 2006
26 September 2006
17 October 2006
7 November 2006 (No Meeting)
28 November 2006
19 December 2006

FOR VOTE - Unanimous

5 [GC] Code of Conduct Amendments

O 216 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that the following amendments (in italics) to the Code of Conduct be approved:

1. Section 6.6 - Conflict of Interest
Where necessary, you must disclose an interest promptly, fully and in writing *on the Disclosure of Interest Form*. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

2. Section 8.9 - Meetings with Developers and Consultants
All Council Officials must record details of all meetings relating to development applications or sale of Council Property, which take place with Developers and Consultants on the appropriate form (file note). The record will include information on any meetings with persons who may want to develop or have other matters that should be reported to Council.

The appropriate form must be registered in Council's Corporate Records Management system within five (5) days of the meeting.

3. No review of Section 6.15 be made until January 2008.

FOR VOTE - Unanimous

6 [GC] Monthly Investment Report for Period Ending 30 November 2005

O 217 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM ACTING DIRECTOR ENGINEERING & OPERATIONS

7 [EO] Kallaroo Bund - Mooball / Crabbes Creek Drainage Union

O 218 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council Officers write to Byron Shire Council advising them that:-

1. Their obligations under the 1996 Deed of Agreement relating to the Kallaroo Circuit Bund must be met.
2. The cost of damages to Tweed Shire landowners caused by the bund restricting floodwaters are substantial and are compounded by Byron Shire Council's failure to implement the agreement.
3. Within sixty (60) days of receiving this advice, Tweed Shire Council requires a written timetable of actions by Byron Shire Council leading to full implementation of the agreement by 30 June 2006.
4. If Byron Shire Council fails to comply with 3 above or fails to meet the timetable then Tweed Shire Council will initiate legal action.

FOR VOTE - Unanimous

8 [EO] Draft Generic Plan of Management - All Sporting Fields in Council's Ownership or Management

O 219 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that pursuant to the provisions of Section 36 of the Local Government Act 1993:-

1. The generic Draft Plan of Management covering all Council owned and managed sporting fields be placed on exhibition for 28 days allowing a submission period of 42 days.
2. During the exhibition and submission period, a public meeting is to be held in respect of the Draft Plan of Management.

FOR VOTE - Unanimous

9 [EO] Casuarina Sportsfields

O 220 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council votes expenditure of \$164,500 from Contribution Plan No. 19 to the construction of an amenities block at the northern sportsfields at Casuarina.

FOR VOTE - Unanimous

10 [EO] Park Naming 'Hec Beswick Park'

O 221 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council names the park located on Winders Place, Banora Point being Lot 117 DP 874201 'Hec Beswick Park' and erects appropriate signage.

FOR VOTE - Unanimous

11 [EO] Car Parking - Piggabeen Sports Complex

O 222 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council votes expenditure of \$100,000 from Contribution Plan No. 5 to the construction of a car park within the Piggabeen Sports Complex.

FOR VOTE - Unanimous

12 [EO] Implementation of the Tweed Heads Masterplan - Jack Evans Boatharbour

O 223 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council confirms its support for the proposed actions to implement the Tweed Heads Masterplan (Jack Evans Boatharbour) including the preparation of a Memorandum of Understanding on terms to be negotiated.

FOR VOTE - Unanimous

13 [EO] Regional Sports and Recreation Facility Plan

O 224 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council places the Draft Regional Sports and Recreation Facilities Plan on public exhibition for an eight (8) week period.

FOR VOTE - Unanimous

14 [EO] Naming of Public Road, Hideaway Lane, Murwillumbah

O 225 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council adopts the name of "*Hideaway Lane*", being the road reserve coming off the intersection of Kyogle Road and Riverview Street, Murwillumbah; and
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

FOR VOTE - Unanimous

15 [EO] Local Government Excellence in the Environment Awards

O 226 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

16 [EC] Request for "In Kind" Support/Waive Fee

O 227 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Approves the use of the South Sea Islander Room by the United Hospital Auxiliary for their meetings during 2006 and the Tweed Heads Auditorium for the Annual meeting at no charge.

2. Not approve free use of the Tweed Heads Auditorium for the annual fete of the United Hospital Auxiliary, with the normal charge of \$174.00 being reimbursed under Council's Donations Policy, following payment.

FOR VOTE - Unanimous

- 17 [EC] Northern Rivers Catchment Management Authority: Coastal Floodplain and Acid Sulfate Soil Management Project (Part A – Tweed Floodplain)

O 228 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. The contract of \$40,000 to extend the works of Project No 22 - Coastal Floodplain and Acid Sulfate Soil Management Project (Part A Tweed Floodplain) be accepted by Tweed Shire Council and managed by the Floodplain Project Officer.
2. Council votes the funds.

FOR VOTE - Unanimous

- 18 [EC] Moving to the Tweed: Migration Heritage, People and Demographic Change, Stage 1

O 229 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council accepts the grant offer of \$5,000 from The Migration Centre and considers matching funding as part of Council's budget allocation for the Museum for the 2006/2007 budget period.

FOR VOTE - Unanimous

19 [EC] Tweed Surf Life Saving Strategy 2020

O 230 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Council conducts a workshop with Administrators and relevant staff to review the Tweed Surf Life Saving Strategy.

***FOR VOTE - Administrator Boyd, Administrator Payne
PRESENT. DID NOT VOTE - Administrator Turnbull***

20 [EC] Kingscliff Amenities Hall Restoration

The following person addressed the meeting of the Operations Committee on this matter:

Rose Wright - Kingscliff Hall Rejuvenation Committee

O 231 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

21 [SUB-PTW] Minutes of the Public Transport Working Group Committee Meeting held 26 October 2005

O 232 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the:-

1. Minutes of the Public Transport Working Group Committee Meeting held 26 October 2005 be received and noted; and

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

Item from Meeting held 30 September 2005

1. *Goals Workshop*

"That the organisations previously proposed to be observers at Committee meetings become full members of the Committee, subject to any Council rules relating to staff being members of advisory committees."

"That Council considers arrangements for reimbursement of costs of attending Committee meetings for members who meet CentreLink income tests for a Seniors Health Care Card. Letter to be sent to the General Manager explaining the above, that were not included in the circulated Minutes for September.:"

Item from Meeting held 30 September 2005

5. *Tweed Centro Taxi Rank*

"That Council enforces the regulations relating to placement of café tables on footpaths at Tweed Centro Taxi Rank."

Item from Meeting held 30 September 2005

7. *Surfside*

"That in view of the occurrence of an accident at Kirkwood Road West bus stop, Council proceeds with safety works there irrespective of possible future bus route changes."

FOR VOTE - Unanimous

22 [SUB-TRC] Minutes of the Tweed River Committee Meeting held 30 November 2005

O 233 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the:-

1. Minutes of the Tweed River Committee Meeting held 30 November 2005 be received and noted; and
-

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

1. *Tweed Vegetation Management Plan - Mark Kingston*
Vegetation Management Plan

"That Council fully considers the importance of the Vegetation Management Plan and its implementation in its budget deliberations for the 2006/2007 year and in the 7 Year Infrastructure Plan."

8. *Barneys Point Bridge*

Tweed River Committee

"That Council requests the Roads & Traffic Authority to install screens on those sections of the Barneys Point Bridge that pass over navigation channels to prevent articles being dropped from the bridge deck onto boats passing below."

FOR VOTE - Unanimous

CONFIDENTIAL MATTERS

Nil.

There being no further business the Meeting terminated at 3.45pm.



The Minutes of Operations Committee Meeting held xxx Were Confirmed at the Operations Committee Meeting held xxx

The Recommendations of the Operations Committee Meeting held on 14 December 2005 were adopted by Council at the Meeting held 14 December 2005

Chairman

