

The Meeting commenced at 4.01pm.

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 Kerrie McConnell (Minutes Secretary)

CONFIRMATION OF MINUTES

Minutes of the Operations Committee Meeting held 2 November 2005

O 183 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that the Minutes of the Operations Committee Meeting held 2 November 2005 be adopted as a true and accurate record of proceedings of that meeting, with the following change at Minute No. O170:

1. Council approves the acquisition of Easements for Drainage of Sewage created in DP 1070403, DP 1070404, DP 1070405, DP 107041 and 107402 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993; and

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Administrator Boyd wishes to declare a perceived non-pecuniary interest in Item 9 in accordance with the Code of Conduct.

This declaration is due to Administrator Boyd knowing the licensees over Crown Reserve 91717.

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

Nil.

ACCESS - OPERATIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES

1 [GC] Quarterly Budget Review - 30 September 2005

O 184 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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.

FOR VOTE - Unanimous

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

O 185 COMMITTEE DECISION:

**Administrator Payne
Administrator Turnbull**

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.

FOR VOTE - Administrator Payne, Administrator Turnbull
AGAINST VOTE - Administrator Boyd

3 [GC] Business Ethics Policy - Amendments

O 186 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

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

FOR VOTE - Unanimous

4 [GC] 2006 Winter Paralympic Games

O 187 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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.

FOR VOTE - Unanimous

5 [GC] 2004/2005 Annual Report

O 188 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

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

O 189 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

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

O 190 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS

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

O 191 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

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.

FOR VOTE - Unanimous

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

DECLARATION OF INTEREST

Administrator Boyd declared a 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.

O 192 COMMITTEE DECISION:

Administrator Turnbull
Administrator Payne

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.

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

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

O 193 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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.

FOR VOTE - Unanimous

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

O 194 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

11 [EC] Disposal of Waste Material - Ballina Shire

O 195 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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.

FOR VOTE - Unanimous

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

O 196 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that:

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

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

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

O 197 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

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.

FOR VOTE - Unanimous

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

O 198 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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."

FOR VOTE - Unanimous

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

O 199 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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."

FOR VOTE - Unanimous

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

O 200 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

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

CONFIDENTIAL MATTERS

Nil.

There being no further business the Meeting terminated at 4.16pm.

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The Minutes of Operations Committee Meeting held xxxx 2005 were Confirmed at the Operations Committee Meeting held xxxx 2005

The Recommendations of the Operations Committee Meeting held on 16 November 2005 were adopted by Council at the Meeting held 16 November 2005

Chairman

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