

The Meeting commenced at 5.05pm.

IN ATTENDANCE

Administrators Mr Garry Payne (Chairman) and Ms Lucy Turnbull.

Also present were Dr John Griffin (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 Maree Morgan (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."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Ben Richardson.

Almighty God, Creator of all mankind, Sustainer of all life, as we are in your Presence, we acknowledge our total dependence upon You and recognize our need for Your live in all its dimensions.

In Your wisdom You have called us to care for the citizens of this shire in all their diversity and their unity. There are so many factors to consider and a variety of voices and opinions.

Grant to us Your knowledge and the wisdom to apply it in love and without variation or favour.

May we ever care for every citizen and see them as meaningful members of Your creation and this community. Enable us to treat all with dignity and respect as we know that You do in Your infinite love and wisdom.

Help us to see people through the eyes of Jesus and a Calvary perspective and to see our region through the heart and with the love of the One who created it.

Humbly we ask our prayer in the wonderful name of our Lord Jesus Christ, Amen.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meeting held 17 August 2005

504 COUNCIL DECISION:

Administrator Payne
Administrator Turnbull

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held 17 August 2005 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

APOLOGIES

Administrator Boyd

Administrator Boyd informed the General Manager that his absence was due to his representation of Council at the Riversymposium Conference in Brisbane.

505 COUNCIL DECISION:

Administrator Payne
Administrator Turnbull

RESOLVED that the apology of Administrator Boyd be accepted and the necessary leave of absence be granted.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

ITEM TABLED AT MEETING

[GM] Tweed Shire Council - Section 430 Investigation

This report was tabled at the meeting by the General Manager.

506 COUNCIL DECISION:

Administrator Payne
Administrator Turnbull

RESOLVED that the report of the Section 430 Investigation carried out by the Departmental Representative, Mr Ross Woodward be received and the General Manager be delegated to initiate response action.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

507 COUNCIL DECISION:

Administrator Turnbull
Administrator Payne

RESOLVED that this report be received and noted.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

ADMINISTRATOR'S MINUTE

Nil.

RECOMMENDATIONS OF THE OPERATIONS COMMITTEE

Recommendations of the Operations Committee Meeting held 17 August 2005 for Council Adoption

508 COUNCIL DECISION:

Administrator Turnbull
Administrator Payne

RESOLVED that Council adopts the recommendations of the Operations Committee Meeting held on 17 August 2005 as reproduced in the body of this report.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

Recommendations of the Operations Committee Meeting held 7 September 2005 for Council Adoption

509 COUNCIL DECISION:

Administrator Turnbull
Administrator Payne

RESOLVED that Council adopts the recommendations of the Operations Committee Meeting held on 7 September 2005 in relation to the items below:

- 1 [GC] Request for Donation - State Emergency Services 50th Anniversary Ball
- 2 [GC] 2005/2006 Financial Assistance Grant
- 3 [GC] In Kind Register - April to June 2005
- 4 [EO] Licence Agreement with Department of Lands - Cudgera Creek Services Crossing
- 5 [EO] Tweed Coast Road - Overhanging Fig Tree at Cudgen
- 6 [EO] Support for "in kind" Support/Waive Fee
- 7 [EO] Draft Plan of Management - Community Land (Lot 1 DP1009649) Minjungbal Drive and Heffron Street Tweed Heads South
- 8 [EO] Summary of Public Consultation for Cudgen Creek Bridge, Kingscliff
- 9 [EO] Land Acquisition for Road Purposes - Chinderah
- 10 [EO] Tweed Valley Flood Study
- 11 [EC] Request for "In Kind" Support/Waive Fee
- 12 [EC] Proposed Community Options Service Agreement with Commonwealth Department of Health and Ageing - Community Aged Care Packages and "Aged Care Provider" status

- 13 [EC] Proposed Adoption of Local Policy to Allow Staff Determination of Requests to Reduce Hire Fees for Council Controlled Auditoriums, Meeting Rooms and Halls
- 14 [EC] Compliance Inspections - Structures in Caravan Parks
- 15 [EC] Banora Point Multi-Purpose Community Centre Management Committee - Outstanding Resolution
- 16 [EC] Adoption of the Constitution for the Tweed River Regional Museum Advisory Committee
- 17 [EC] Entomological Control Report for Period June to August 2005 and Annual Summary
18. [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 18 August 2005

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

RECOMMENDATIONS OF THE PLANNING COMMITTEE

Recommendations of the Planning Committee Meeting held on 17 August 2005 for Council Adoption

510 COUNCIL DECISION:

Administrator Turnbull
Administrator Payne

RESOLVED that Council adopts the recommendations of the Planning Committee Meeting held on 17 August 2005 as reproduced in the body of this report.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

1 [GM] Murwillumbah Civic Centre - Auditorium - Request for Use

511 COUNCIL DECISION:

**Administrator Turnbull
Administrator Payne**

RESOLVED that given that Council has previously approved the use of the Murwillumbah Civic Centre for the awards presentation by the Tweed Heads/Ballina Public Education Promotion Committee on 6 September 2005, that Council will provide a plant display with charges waived.

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd***

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

LATE ITEM

512 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that Item 2 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd***

2 [EC] Construction Stage 2 - Tweed River Art Gallery

513 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that Council:-

1. In relation to its resolution of 9 July 2005, approves of an increase in the variation to the contract with Multi Span Australia Pty Limited for the

construction of Stage 2 of the Tweed River Art Gallery for Bays 5 to 9 to \$1,203,014.

2. The Director Environment & Community Services be given delegated authority to approve of variations to the contract, contingencies and site works with:
 - a. funds held in Council's Art Gallery Trust Fund.
 - b. funds provided by the Tweed River Art Gallery Foundation.

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd***

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

Nil.

QUESTION TIME

Nil.

CONFIDENTIAL MATTERS

514 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

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

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd***

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:-

ADMINISTRATORS' MINUTE IN COMMITTEE

Nil.

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] EC2005-136 Construction of Concrete Footpaths and Cycleways

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 131 COUNCIL DECISION:

Administrator Turnbull
Administrator Payne

RECOMMENDED that:-

1. The schedule of rates provided by Hart Family Trust for Contract EC2005-136 be accepted for the value of \$306,446.60 excluding GST.
2. The Director Engineering and Operations be given delegated authority to approve variations to the contract, provided that overall allocated funding requirements are not exceeded.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

515 COUNCIL DECISION:

Administrator Payne
Administrator Turnbull

RESOLVED that the report and recommendations of the Confidential Committee of the Whole be adopted.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Boyd

There being no further business the Meeting concluded at 5.22pm



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman