

# Minutes - Extraordinary Meeting of Tweed Shire Council

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## IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck, M R Boyd, R D Brinsmead, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, B M Luff, P C P Youngblutt.

Also present were Mr David Broyd (Acting General Manager), Mr Mike Rayner (Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer), Mr Reg Norvill (Manager Financial & Information Services) and Mrs Maree Morgan (Minutes Secretary).

Cr Luff was not present at the commencement of the meeting.

## ABSENT

Councillor Cr Marshall has informed the General Manager that her absence is caused by illness.

**Cr Beck**

**Cr Carroll**

**RESOLVED** that the apology of Cr Marshall be accepted.

**Voting - Unanimous**

## DISCLOSURE OF INTEREST

Nil

## ATTENDANCE AT MEETING

Cr Luff attended the meeting at 5.07pm.

## ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

**290**

**Cr Beck**

**Cr Brinsmead**

**PROPOSED** that the Confidential Item be dealt with in the Ordinary Meeting of Council.

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The Motion was **Lost**

**Voting For**

Cr Beck  
Cr Brinsmead  
Cr Youngblutt

**Voting Against**

Cr Polglase  
Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Lawrie  
Cr Luff  
Cr Marshall

## COMMITTEE OF THE WHOLE

**291**

**Cr Youngblutt**

**Cr Davidson**

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

**Voting - Unanimous**

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:-

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

Council's Solicitor, Mr Tony Smith attended the meeting to address and advise Council with respect of the Deed of Termination between Council and the McInnes Group.

- 1. Termination of Agreement with the McInnes Group for the Preparation of a Local Environmental Study and Draft Local Environmental Plan - Seaside City, South Kingscliff**

**GT1/LEP/2000/3 Pt7**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)  
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

**C61**

**RESOLVED** that Council:-

1. Endorses the modified Deed of Termination contained in this report as a basis for negotiation for terminating the engagement of the McInnes Group for the preparation of the Local Environmental Study and draft Local Environmental Plan for Seaside City, South Kingscliff.

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2. Receives and notes the information contained in the report and annexures in relation to the costs incurred by the McInnes Group and the payments that have been made in relation to termination of their engagement.
3. Notes that finalisation of the Press Release will be undertaken by negotiation involving the McInnes Group, Stacks the Law Firm and the Acting General Manager and the draft contents will be reported back to Council as soon as possible.

### C62

**RESOLVED** that the Deed of Termination be adopted with the following amendments:

1. C to be altered from (*p.243 Bulford Report*) to read “(*p.243-248 of Part 2 of the Bulford Report*)”.
2. D to now read “The parties have agreed that because of such recommendations this should occur.”
3. E to now read “The parties are also desirous of resolving such termination in an amicable way.”

### 292

**Cr Luff**

**Cr Davidson**

**RESOLVED** that the Committee resumes in Open Council.

**Voting – Unanimous**

## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR CORPORATE SERVICES

Messrs Kevin Franey and Peter Morrow from Thomas Noble Russell, Council’s Auditors, attended to address Council on the 2001/02 Statutory Financial Reports/Audit Report.

#### 1. 2001/02 Statutory Financial Reports/Audit Report

**Financial Reporting**

### 293

**Cr Youngblutt**

**Cr Davidson**

**RESOLVED** that: -

1. Council adopts the 2001/02 tabled Financial Reports prepared conforming with Section 413 (2) (c) of the Local Government Act, 1993 as follows: -

The financial statement is drawn up in accordance with:

- a) - the Act and the Regulations;
- that Statements of Accounting concepts;

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- the Local Government Code of Accounting Practice and Financial Reporting; and
  - the Australian Accounting Standards.
- b) Accounting policies be adopted.
- c) The reports present fairly the Council's financial position and other records.
2. The meeting of 6 November 2002 be fixed to present any public submissions on the Financial Reports.

**Voting - Unanimous**

**Allan Border "Trek for Kids"**

**Donations; Drug Related Matters; Charities;**

**294**

**Cr Youngblutt**

**Cr Lawrie**

**RESOLVED** that Council make a donation of \$100.00 towards this fundraising event.

**Voting - Unanimous**

**295**

**Cr Luff**

**Cr Davidson**

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

**Voting - Unanimous**

There being no further business the Meeting terminated at 6.44pm.



**Minutes of Meeting Confirmed by Council**

**at Meeting held**

**I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 4 of these Minutes**

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**Chairman**

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