



**TWEED**  
SHIRE COUNCIL

Mayor: Cr Kevin Skinner

Councillors: B Longland (Deputy Mayor)  
D Holdom  
K Milne  
W Polglase  
J van Lieshout  
P Youngblutt

# Minutes

## **Extraordinary Council Meeting Tuesday 22 February 2011**

held at Murwillumbah Cultural & Civic Centre  
Mount Warning Meeting Room  
commencing at 10.00am

### **COUNCIL'S CHARTER**

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 10.00am.

### **IN ATTENDANCE**

Cr K Skinner (Mayor), Cr B Longland (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Stewart Brawley (Acting Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Ian Kite (Manager Works), Mr Mark Kingston (Biodiversity Program Leader), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

### **ABORIGINAL STATEMENT**

The Mayor 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 and custodians of these lands."*

### **PRAYER**

The meeting opened with a Prayer lead by the Mayor.

### **APOLOGIES**

**Cr J van Lieshout** advised of her inability to attend.

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**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that the apology of **Cr J van Lieshout** be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT, DID NOT VOTE: Cr J van Lieshout**

## **DISCLOSURE OF INTEREST**

Nil.

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

Nil.

## **ORDINARY ITEMS FOR CONSIDERATION**

Nil.

## **CONFIDENTIAL COMMITTEE**

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**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

The Motion was **Carried**

***FOR VOTE - Unanimous  
ABSENT, DID NOT VOTE: Cr J van Lieshout***

## **CONFIDENTIAL ITEMS FOR CONSIDERATION**

The General Manager reported that the Confidential Committee 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 THE GENERAL MANAGER IN COMMITTEE**

**1 [GM-ECM] Gales Holdings Limited v Tweed Shire Council -  
Supreme Court Proceedings No 2005/261912**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

**C 17**

That Council agrees to adopt the recommendations contained within the legal advice provided by DLA Phillips Fox in its letter dated 21 February 2011, incorporating the amendments contained within the Confidential Memo to the General Manager dated 22 February 2011.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT, DID NOT VOTE: Cr J van Lieshout***

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**Cr D Holdom**

**Cr P Youngblutt**

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

***FOR VOTE - Unanimous***

***ABSENT, DID NOT VOTE: Cr J van Lieshout***

There being no further business the Meeting terminated at 11.32am



**Minutes of Extraordinary Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**