

Mayor: Cr B Longland

Councillors: Cr M Armstrong (Deputy Mayor)
G Bagnall
K Milne
C Byrne
W Polglase
P Youngblutt



TWEED
SHIRE COUNCIL

Minutes

Extraordinary Council Meeting Monday 4 November 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 5.20pm

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 5.20pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (Acting General Manager), Mr Neil Baldwin (Acting Director Technology and Corporate Services), Mr David Oxenham (Director Community and Natural Resources), Ms Nela Turnbull (Legal Officer).

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 the Council Prayer by the Mayor, Cr B Longland.

APOLOGIES

Cr K Milne.

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Cr B Longland
Cr M Armstrong

RESOLVED that the apology of Cr K Milne be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne

DISCLOSURE OF INTEREST

Nil.

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

Nil.

CONFIDENTIAL COMMITTEE

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**Cr B Longland
Cr M Armstrong**

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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne***

The Acting 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 FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Condong Cogeneration Facility Water Supply Agreement

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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 73

RECOMMENDED that Council in relation to Capital Dynamics:

1. Releases the Parent Guarantees from NSW Sugar Milling Cooperative and Delta Electricity and accepts payment in full of the outstanding balance of the Capital Works Charge in lieu, calculated in accordance with the Water Supply Agreement dated 23 May 2005.
2. Enters into a deed poll to effect the release of the Parent Guarantees, and (if requested) a Deed of Variation to provide for the payment of the Capital Works Charge.
3. Agrees to accept the amount of \$145,356.10 as full settlement of the pre-receivership outstanding arrears, and notes that the Acting General Manager has written off an amount of \$9,999.99 under delegated authority.
4. Requests payment of Council's legal costs in this matter, direct to Stacks the Law Firm.
5. Executes all necessary documentation under the Common Seal of Council.

The Motion was Carried

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne

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Cr B Longland
Cr M Armstrong

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne

There being no further business the Meeting terminated at 5.30pm.



Minutes of Meeting Confirmed by Council

at the

Council Meeting held on xxx

Chairman

