



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

**Councillors:** G Bagnall (Deputy Mayor)  
C Byrne  
B Longland  
W Polglase  
P Youngblutt

# Minutes

## Ordinary Council Meeting Thursday 6 October 2016

held at **Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads** commencing at 5.00pm

### **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 K Milne (Mayor), Cr G Bagnall (Deputy Mayor), Cr C Byrne, Cr B Longland and Cr W Polglase.

Also present were Ms Tracey Stinson (Acting General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

**APOLOGIES**

Attendee Cr P Youngblutt has informed the General Manager that his absence is caused by illness.

**456**

**Cr C Byrne  
Cr B Longland**

**RESOLVED** that the apology of Cr P Youngblutt be accepted and the necessary leave of absence be granted.

***FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr P Youngblutt***

**DISCLOSURE OF INTEREST**

Nil.

**CONFIRMATION OF PLANNING COMMITTEE MINUTES**

**1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 6 October 2016**

**457**

**Cr C Byrne  
Cr B Longland**

**RESOLVED** that the recommendations of the Ordinary Planning Committee Meeting held Thursday 6 October 2016 be adopted.

- 1 **[PR-PC] Development Application DA10/0737 for Alterations to Existing Highway Service Centre Comprising of Two (2) New Diesel Refuelling Points Expansion of Truck Refuelling Canopy New Truck Parking Area (30 New Bays) and the Replacement of Existing Truck Parking Area With Additional Car Parking Spaces and Dedicated Bus Drop-off Area (Application Includes LEP Amendment PP15/0001) at Lot 1 DP 1127741 & Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah**

**RECOMMENDED** that Development Application DA10/0737 for alterations to existing highway service centre comprising of two (2) new diesel refuelling points expansion of truck refuelling canopy new truck parking area (36 new bays) and the replacement of existing truck parking area with additional car parking spaces and dedicated bus drop-off area (application includes LEP Amendment PP15/0001) at Lot 1 DP 1127741 & Lot 2 DP 1010771; No. 1 Ozone Street Chinderah be refused for the following reasons:

1. Pursuant to Section 79C (1) (b) the proposal is considered to create a significant impact on the natural environment. The proposal is considered to create adverse impacts on koala habitat, due to the removal of koala habitat.
2. Pursuant to Section 79C (1) (b) the proposal is considered to create an unacceptable impact on the built environment. The proposal is considered to create an adverse impact on adjoining residential properties in relation to increased noise due to the increasing number of trucks breaking to enter the site.
3. Pursuant to Section 79C (1) (e) the proposed development is considered not to be within the public interest. The proposal is contrary to the provisions of the Tweed Coast Comprehensive Koala Plan of Management. The proposal is inconsistent with the provisions in relation to the identification of preferred koala habitat and offsets.

- 2 **[PR-PC] Rural Land Strategy - Stage 3a Policy Directions Paper Public Consultation Review and Commencement of Stage 4**

**RECOMMENDED** that Council:

1. Receive and note the report and summary of submissions received in respect of the recent public exhibition of the draft Rural Lands Policy Directions Paper; and
2. Adopts the draft Policy Direction Papers, as exhibited, and the policy directions provided are to guide the direction and deliverables of a new draft Rural Lands Strategy document.

- 3 **[PR-PC] Environmental Damage and Unauthorised Works at Lot 469 DP 1144944 off Henry Lawson Drive, Terranora**

**RECOMMENDED** that Council:

- a. Receive and note this report; and
- b. Engage solicitors to seek advice on options for action in respect of alleged unauthorised earthworks and stockpiles (causing damage to marine vegetation) at Lot 469 DP 1144944, off Henry Lawson Drive Terranora.

**4 [PR-PC] Environmental Damage and Unauthorised Works at Lot 12 DP 1163855 Fraser Drive, Tweed Heads South**

**RECOMMENDED** that Council engage solicitors to seek advice on options for action in respect of alleged unauthorised removal of vegetation in respect of the current subdivision construction works at Lot 12 DP 1163855, Fraser Drive Tweed Heads South.

**5 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**RECOMMENDED** that Council notes the September 2016 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

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**REPORTS THROUGH THE GENERAL MANAGER**

**REPORTS FROM THE GENERAL MANAGER**

**LATE ITEM**

**458**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that Item a1 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a1 [GM-CM] Destination Tweed Quarterly Report - April to June 2016 (Second Quarter)**

**459**

**Cr B Longland**

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**Cr W Polglase**

**RESOLVED** Council:

1. Receives and notes the Destination Tweed's Quarterly report for the second quarter, April to June 2016 & notes the accompanying officer comments within the body of this report.
2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**FOR VOTE - Cr B Longland, Cr G Bagnall, Cr K Milne, Cr W Polglase**

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

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**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

**460**

**Cr K Milne  
Cr C Byrne**

**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**

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 THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE**

**C1 [CS-CM] Unpaid Rates**

**REASON FOR CONFIDENTIALITY:**

This report details information on outstanding rates on particular properties, which should not be discussed in open council.

**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: -

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

**C 37**

**Recommended** that the report be deferred to the Council meeting of 27 October 2016.

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461

Cr C Byrne  
Cr K Milne

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

**FOR VOTE - Cr B Longland, Cr K Milne, Cr C Byrne, Cr W Polglase**

**AGAINST VOTE - Cr G Bagnall**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

There being no further business the Meeting terminated at 5.38pm



**Minutes of Meeting Confirmed by Council  
at the Meeting held on  
xxx**

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**Chairman**