



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 7 July 2016

held at **Harvard Room, Tweed 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 6.24pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Ms Ann Mesic (Minutes Secretary).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 7 July 2016

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**Cr C Byrne
Cr P Youngblutt**

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 7 July 2016 be adopted.

1. [PR-PC] Development Application DA15/1064 for a Redevelopment of Waterslide Playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point

RECOMMENDED that Development Application DA15/1064 for a redevelopment of the waterslide playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point be refused for the following reasons:

1. The proposed facility is considered an overdevelopment of the site and not in keeping with the low key village scale character.
2. Unacceptable noise impacts to surrounding residents and environment.
3. Unacceptable visual impacts along Tweed Coast Road and to the neighbours.

4. This larger proposal would necessitate the provision of the 30m Tweed Coast Road setback to be provided.
5. The lack of capacity to provide adequate vegetation screening.
6. The potential for the development to attract public use not strictly associated with the caravan park is not considered to be orderly and economic use of the land or supporting the welfare of the community.
7. Taking into account the large number of objections, the proposal is not considered to be in the public interest.

2 [PR-PC] Development Application DA15/0828 for Three Townhouses at Lot 53 SP 91510 No. 53/77 Tamarind Avenue, SP 76700 & SP 79344 No. 77 Tamarind Avenue Bogangar

RECOMMENDED that this item be deferred for a workshop and be reported back to the Planning Committee meeting of 4 August 2016.

3 [PR-PC] Development Application DA15/0641 for a Two Lot Subdivision at Lot 7 DP 1077697 No. 768-770 Casuarina Way, Casuarina

RECOMMENDED that Development Application DA15/0641 for a two lot subdivision at Lot 7 DP 1077697 No. 768-770 Casuarina Way, Casuarina be refused for the following reason:

1. Council's Development Control Plan 2008 Section A5 - Subdivision Manual states that a minimum of 9.0 metres of kerb frontage is required for each lot unless alternative provisions are made for parking. The proposal does not comply with this development standard by proposing a kerb frontage of 1.7 metres for each allotment and does not propose suitable alternative parking arrangements.
2. The proposed development is considered not to be within the public interest. The proposal is considered to create a significant impact on adjoining properties, the local road network and the public domain. The development will create a cumulative impact with regard to the reduced provision of on-street parking and therefore is considered not to be within the public interest.

4 [PR-PC] Development Application DA15/0532.01 for an Amendment to Development Consent DA15/0532 for Use of Part of Tavern Floor Area as a Retail Shop at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah

RECOMMENDED that the matter be deferred for a workshop to discuss the matter further and provide for a site visit and that this item be brought back to the Planning Committee meeting of 4 August 2016 for determination.

5 [PR-PC] Rural Land Strategy - Draft Policy Directions Paper

RECOMMENDED that:

1. The policy directions presented in the attached Rural Land Strategy Draft Policy Directions Paper be endorsed, and
2. The Rural Land Strategy Draft Policy Directions Paper be placed on public exhibition for a period of not less than 28 days, and
3. A further report be presented to Council following public exhibition with a response to submissions received, and a recommendation for commencement of Stage 4 and preparation of the Draft Rural Land Strategy.

6 [PR-PC] Replacement of Existing CCTV Policy and Standard Operating Procedures CCTV - Murwillumbah and Kingscliff CBDS and Tweed Heads South

RECOMMENDED that Council adopts the Policy *CCTV – Murwillumbah and Kingscliff CBDS and Tweed Heads South*

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

RECOMMENDED that Council notes there are no variations for the month of June 2016 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

a7 [PR-PC] Cobaki Concept Plan Mod 4 Comments to Department of Planning & Environment

RECOMMENDED that:

1. Council endorse the comments contained within this report with the following amendments to Attachment 1 being:
 1. **Amend 1c to read:**
 - 1c. In relation to the Registered Club site within Precinct 8, Council and the proponents and the club enter into further negotiations to obtain a more suitable site to address planning concerns, or Council supports the registered club to continue to work with the proponent for the best outcome for this part of the development which would address amenity concerns for adjoining residential areas.
 2. **Amend 1d to read:**
 - 1d. In relation to the Child Care Centre within Precinct 8, Council and the proponents and the club enter into further negotiations

to obtain a more suitable site to address planning concerns, or Council supports the registered club to continue to work with the proponent for the best outcome for this part of the development which would address amenity concerns for adjoining residential areas.

3. Delete 4b

4. Amend Point 5 1st paragraph - Ecology/Natural Resource Management to read as follows:

“The restriction on keeping of cats was imposed by the Department of Planning at Concept Plan assessment stage. Accordingly, the absence of cats has been considered by assessors as a mitigating factor in considering the overall environmental impact of the development during the concept plan and subsequent stages.”

2. The endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD4) of the Cobaki residential subdivision development.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

2 [GM-CM] Local Government NSW Policy Review

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**Cr C Byrne
Cr P Youngblutt**

PROPOSED that Council submits its responses to the Local Government NSW Policy Review as detailed in the report.

Cr W Polglase temporarily left the meeting at 06:29 PM.

AMENDMENT 1

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**Cr K Milne
Cr G Bagnall**

RESOLVED that Council submits its responses to the Local Government NSW Policy Review as detailed in the report with the addition of the following wording to Point 10:

Local Governments should be allowed to have their own policies in regard to sustainability outcomes without restrictions on BASIX.

Cr W Polglase has returned from temporary absence at 06:32 PM

The Motion was **Carried**

FOR VOTE - Unanimous

Amendment 1 on becoming the Motion was **Carried** - (Minute No 317 refers)

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

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Cr P Youngblutt

Cr G Bagnall

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 ENGINEERING IN COMMITTEE

C1 [E-CM] Purchase of 341 Tweed Valley Way, South Murwillumbah

REASON FOR CONFIDENTIALITY:

This report is confidential as it discusses the commercial negotiations and agreement for the purchase of the property.

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: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C 23

That :

1. Council approves the negotiated price for the purchase of 341 Tweed Valley Way, South Murwillumbah comprised in Lot 7 Section 8 DP 2974 and Lot 1 DP 357123 as set out in the body of the report; and
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Cr K Milne, Cr G Bagnall, Cr C Byrne, Cr P Youngblutt, Cr B Longland

AGAINST VOTE - Cr W Polglase

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**Cr K Milne
Cr B Longland**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.46pm

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

Chairman

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