



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

**Councillors:** P Allsop  
R Byrnes  
C Cherry (Deputy Mayor)  
R Cooper  
J Owen  
W Polglase

# Minutes

## **Ordinary Council Meeting Thursday 2 March 2017**

held at **Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads** commencing at the conclusion of the Planning Committee meeting which commences 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 5.57pm.

### **IN ATTENDANCE**

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

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 2 March 2017**

This item was dealt with later in the meeting (Minute No 66 refers)

### **MAYORAL MINUTE**

### **LATE ITEM**

56

Cr K Milne  
Cr W Polglase

**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           **[MM-CM] Mayoral Minute - Floodplain Management Australia National Conference 16-19 May 2017**

57

**Cr K Milne**

**RESOLVED** that the attendance of Councillor Cr J Owen be authorised at the Floodplain Management Australia National Conference to be held in Newcastle on 16-19 May 2017.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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#### **REPORTS FROM THE DIRECTOR ENGINEERING**

2           **[E-CM] Classification of Land as Operational - 141 Lone Pine Road, Doon Doon**

58

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 6 in DP261570 being 141 Lone Pine Road, Doon Doon as Operational land.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR CORPORATE SERVICES**

**3 [CS-CM] Australian IRB Surf Life Saving Championships hosted by Cudgen Headland Surf Life Saving Club**

59

**Cr J Owen  
Cr P Allsop**

**RESOLVED** that Council:

1. Provides in-kind funding support to the Cudgen Headland Surf Life Saving Club, to a maximum of \$10,000, to conduct the Australia IRB Championships to be held from Friday 14 to Sunday 16 July 2017, subject to the receipt of the 2014 Australian IRB Championships funding acquittal.
2. Enters into an in-kind financial agreement with the Cudgen Headland Surf Life Saving Club for the conduct of the Australia IRB Championships to be held from Friday 14 to Sunday 16 July 2017.
3. Requires the Cudgen Headland Surf Life Saving Club to submit a funding application under the appropriate Sponsorship Policy funding round with regard to any future in-kind or cash requests.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**4 [CS-CM] Councillor's Attendance at Conferences and Training**

60

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that

1. Councillor James Owen be authorised to attend the Local Government NSW Annual Tourism Conference 2017, being held on 12-14 March 2017 at the Manning Entertainment Centre, Taree.
2. Councillors James Owen and Pryce Allsop be authorised to attend the Local Government NSW Speed Reading Workshop, being held on 20 March 2017 at 28 Margaret Street, Sydney.

3. Councillor James Owen be authorised to attend the LGNSW Planning Breakfast - Sydney on 21 March 2017

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **CONFIDENTIAL COMMITTEE**

### **EXCLUSION OF PRESS AND PUBLIC**

61

**Cr P Allsop  
Cr C Cherry**

**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***

## **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 THE GENERAL MANAGER IN COMMITTEE**

### **REPORTS FROM THE GENERAL MANAGER IN COMMITTEE**

**C1 [GM-CM] Feature Film Proposal for Hastings Point and Duranbah Beach / Pt Danger**

### **REASON FOR CONFIDENTIALITY:**

Given the tight timeframes and extensive planning associated with film location shoots, the Producers are concerned that any delays in establishing in principle support could jeopardise the use of these locations.

### **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 15**

That Council:

1. Gives in principle support to Warner Bros Picture Productions to film a major feature film in the Tweed Shire.
2. Endorses Council officers to continue negotiations with Warner Bros Picture Productions for the appropriate approvals.
3. Notes Warner Bros commitment as part of this in principle support to 'win the hearts and minds' of the community through direct consultation with stakeholders including but not limited to the traditional owners, surf clubs, environment groups, and public including community involvement by seeking feedback on how best to achieve the film objectives whilst minimising impacts to other users.
4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (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.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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63

Cr K Milne  
Cr R Cooper

**RESOLVED** that the Committee resumes in Open Council and the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

#### **FURTHER SUSPENSION OF STANDING ORDERS**

64

Cr J Owen  
Cr P Allsop

**RESOLVED** that Standing Orders be suspended to deal with the Confidential Items on the Planning Committee Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

#### **RESUMPTION OF STANDING ORDERS**

65

Cr C Cherry  
Cr K Milne

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE – Unanimous***

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**1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 2 March 2017**

66

**Cr C Cherry**  
**Cr K Milne**

**RESOLVED** that the recommendations of the Ordinary and Confidential Planning Committee Meeting held Thursday 2 March 2017 be adopted.

**1 [PR-PC] Section 94 Contributions - DA11/0499 - GP Super Clinic**

**RECOMMENDED** that, in respect of the premises, Nos. 33-35 Corporation Circuit, Tweed Heads South:

1. The General Manager advises the Tweed Health for Everyone Super Clinic that Council accepts the offer to pay the outstanding Section 94 contributions of \$111,416 at an instalment rate of \$4,000 per month until the balance is exhausted; and
2. Council advises the Tweed Health for Everyone Super Clinic of the option of operating under the high consumption charge system in lieu of payment of the outstanding water and sewer Section 64 Developer Charges.

**2 [PR-PC] Illegal Fence at No. 93 Caloola Drive, Tweed Heads**

**RECOMMENDED** that Council, in respect of the unauthorised fence erected on the common property of SP 20446, No. 93 Caloola Drive Tweed Heads endorse:

1. The lot owners be requested to resolve their own differences through formal mediation under the NSW Justice Department's 'Community Justice Centres' (CJC); or seek further adjudication under the NSW Civil & Administrative Tribunal (NCAT) who can make orders to resolve the fencing dispute; or apply for a Fencing Order through the Local Court, and that a 2 month time frame be granted for the parties to resolve the dispute; and
2. A further status report be prepared for Council's consideration following the 2 month period.

**3 [PR-PC] Development Application DA16/0029 for a Proposed Demolition of Existing House, Six Townhouse Development and Six lot Strata Subdivision at Lot 678 DP 257438 No. 63-71 Sexton Hill Drive, Banora Point**

**RECOMMENDED** that Development Application DA16/0029 for a proposed demolition of existing house, six townhouse development and six lot strata subdivision at Lot 678 DP 257438 No. 63-71 Sexton Hill Drive, Banora Point be deferred for a workshop.

**4 [PR-PC] Status Update on S96 Modification DA03/0445.03 and Development Application DA15/0664 for Upgrading Works on Urliup Road associated with DA03/0445 at Urliup Road, Urliup to Accommodate 19m Trucks in Association with an Existing Water Extraction Business at 477 Urliup Road**

**RECOMMENDED:**

1. That a 79C Merit Assessment Report be submitted to the Planning Committee meeting of 11 May 2017 based on the information currently before Council to enable Council to determine the application.
2. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

**RECOMMENDED** that Council notes the January 2017 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

**C1 [PR-PC] Environmental Damage and Unauthorised Works at Lot 469 DP 1144944 off Henry Lawson Drive, Terranora**

**REASON FOR CONFIDENTIALITY:**

This report concerns legal matters that could influence the appeal process.

**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.

**RECOMMENDED** that Council, in respect of alleged unauthorised earthworks and stockpiles on Lot 469 DP 1144944 off Henry Lawson Drive, Terranora, endorse the following actions:

- a. In respect to the acid sulfate soil exposed through drainage works, no further action be pursued unless further evidence of damage or harm is discovered during the collection of evidence for this case;
- b. In regard to the originally reported unauthorised earthworks and stockpiling, instruct Council's solicitors to commence civil enforcement proceedings under s.123 of the Environmental Planning and Assessment Act; and

In regard to the more recent additional stockpiling that has occurred on low lying, flood liable land within the subject site, seek further advice from Council's solicitors in terms of enforcement options and commence enforcement proceedings based on the advice.

**aC2 [PR-PC] Vegetation Removal at Lot 23 DP 1211517 Barneys Point Road, Banora Point**

**REASON FOR CONFIDENTIALITY:**

This report is confidential due to potential legal proceedings.

**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.

**RECOMMENDED** that:

1. Council endorses the proposed terms of the agreement and advise Council's solicitors to prepare the deed of agreement with the owners of Lot 23 DP 1211517; and
2. The General Manager be delegated the authority to sign the deed of agreement.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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There being no further business the Meeting terminated at 6.24pm



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