



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

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

# Minutes

## **Extraordinary Council Meeting Monday 5 June 2017**

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,  
Tumbulgum Road, Murwillumbah** commencing at 5.30pm

# Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

### (2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.

- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

**(3) Community participation**

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The Meeting commenced at 5.30pm.

**IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Mr Vince Connell (Director Planning and Regulation), Mr Lindsay McGavin (Manager Development Assessment and Compliance), Ms Kelly Edwards (Town Planner) and Mr Neil Baldwin (Manager Corporate Governance) 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 Mr Troy Green (General Manager).

**APOLOGIES**

Attendee Cr W Polglase has informed the General Manager that his absence is caused by meetings interstate

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**Cr C Cherry  
Cr P Allsop**

**RESOLVED** that the apology of Cr W Polglase be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

**FOR VOTE - Unanimous  
ABSENT, DID NOT VOTE - Cr W Polglase**

**DISCLOSURE OF INTEREST**

Nil.

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

Nil.

## **CONFIDENTIAL COMMITTEE**

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

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**Cr C Cherry**  
**Cr J Owen**

**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 W Polglase**

### **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 DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C1 [PR-EXT] Land and Environment Court Proceedings Update - DA16/0527 for the Demolition of Existing Structures and Erection of a Residential Flat Building (Seven Units) and Swimming Pool at Lot 14 Section 5 DP 758571 No. 204 Marine Parade, Kingscliff and Building Height and FSR Control LEP Expedited Amendment to Redress Interpretation of Inconsistency and Application Resulting in 4-Storey Residential Development**

#### **REASON FOR CONFIDENTIALITY:**

The development application is subject to a current Land and Environment Court proceeding

#### **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.

## ALTERNATE MOTION

### C 49

That Council:

1. In respect of the current Class One appeal in the Land and Environment Court relating to DA16/0527 No. 204 Marine Parade, Kingscliff, endorses the following:
  - a) The General Manager advises Council's legal representatives to inform the NSW Land and Environment Court at a Direction Hearing to be held on Tuesday 6 June 2017 that Council wishes to terminate the current Section 34 conference and defends this matter in a hearing of this Court; and
  - b) In accordance with Section 377(1) of the Local Government Act 1993, grants delegated authority to the General Manager and Mayor to act in full capacity of Council in assisting the NSW Land and Environment Court with these proceedings and in particular negotiating a planning outcome that would be more acceptable to the community and that is more in keeping with the Council's development planning guidelines.
2. Endorses a Planning Proposal process be commenced to amend Tweed Local Environmental Plan 2014 so far as is practicable to incorporate the height and floor space ratio (FSR) provisions of the Tweed Development Control Plan as they relate to, but not necessarily limited to; residential flat buildings, mixed-use commercial and shop-top housing, dwelling houses, dual occupancies, town-housing or any like development type.

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne**

**AGAINST VOTE - Cr J Owen, Cr P Allsop**

**ABSENT. DID NOT VOTE - Cr W Polglase**

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**Cr K Milne  
Cr C Cherry**

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

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT, DID NOT VOTE - Cr W Polglase**

There being no further business the Meeting terminated at 7.15pm.

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

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**Chairman**

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