



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 1 November 2018

held at

**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**

commencing at the conclusion of the Planning Committee meeting
which commences at 5.30pm.

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 6:40pm.

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), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr P Allsop declared a pecuniary interest in Confidential Item C1 [GM-CM] Exhibition of the Expression of Interest for the Industry Central Land Swap. The nature of the interest is that Cr Allsop's spouse owns a property within the designated EOI area. Cr Allsop will manage the interest by leaving the Chamber and taking no part in discussion or voting on the item.

ITEMS TO BE MOVED FROM CONFIDENTIAL TO ORDINARY/ORDINARY TO CONFIDENTIAL

Nil.

CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 1 November 2018

566

**Cr R Byrnes
Cr P Allsop**

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 1 November 2018 be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

- 2 **[E-CM] Planning Proposal PP18/0003 to facilitate Northern Rivers Rail Trail Stage 1: Murwillumbah to Crabbes Creek**

567

Cr R Byrnes
Cr P Allsop

RESOLVED that in respect of Planning Proposal PP18/0003 to facilitate Northern Rivers Rail Trail Stage 1: Murwillumbah to Crabbes Creek, endorses the following:

1. The public submission reply and consideration of issues is noted;
2. The Planning Proposal is to be updated to describe the public exhibition and consideration of issues and forwarded to the Department of Planning and Environment for the Plan to be made; and
3. The Office of Environment and Heritage is to be consulted during the Council's assessment of the Review of Environmental Factors and given an opportunity to review the draft REF prior to it being finalised.

The Motion was **Carried**

***FOR VOTE - Cr W Polglase, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes
AGAINST VOTE - Cr C Milne, Cr C Cherry***

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

Nil.

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

Nil.

ADDENDUM ITEMS

Nil.

LATE ITEMS

Nil.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

568

**Cr K Milne
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

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 FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Exhibition of the Expression of Interest for the Industry Central Land Swap

REASON FOR CONFIDENTIALITY:

This report contains commercially sensitive information associated with the Industry Central Land Swap project which should not be publicly disclosed until the commencement of the public Expression of Interest.

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:

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- (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.

DISCLOSURE OF INTEREST

Cr P Allsop declared a pecuniary interest in Confidential Item C1 [GM-CM] Exhibition of the Expression of Interest for the Industry Central Land Swap. The nature of the interest is that Cr Allsop's spouse owns a property within the designated EOI area. Cr Allsop will manage the interest by leaving the Chamber and taking no part in discussion or voting on the item.

C 79

That Council:

1. Publicly exhibits the Expression of Interest for the Industry Central Land Swap for a period of 60 days; and
2. Authorises the Selection Panel to determine the Preferred Applicants in accordance with the Industry Central Land Swap Protocol for Council consideration.
3. The criteria weightings be amended - GLE = 60% to 55% and CCF = 40% to 45%.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr P Allsop

Cr P Allsop has returned from temporary absence

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] LEGAL ADVICE Development Application DA04/0162.03 for an Amendment to Development Consent DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480; Pollards Road Dulguigan

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:

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

Amendment 3

C 84

That:

1. Council, in regard to DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan, carries out the actions provided in the confidential legal advice provided by Bartier Perry Lawyers received 16 October 2018.
2. A \$6000 penalty infringement notice be issued for each of the 2 years the consent was breached, totalling a \$12,000 penalty infringement.

Amendment 3 was **Carried**

FOR VOTE - Cr C Milne, Cr C Cherry, Cr R Cooper, Cr R Byrnes
AGAINST VOTE - Cr W Polglase, Cr J Owen, Cr P Allsop

Amendment 3 on becoming the Motion was **Carried** - (Minute No C84 refers)

FOR VOTE - Cr C Milne, Cr C Cherry, Cr R Cooper, Cr R Byrnes
AGAINST VOTE - Cr W Polglase, Cr J Owen, Cr P Allsop

LATE REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C3 LATE [PR-CM] Works at Lot 136 DP 755724 Boormans Road, Limpinwood

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:

-

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

LATE ITEM

The Mayor declared that that Item C3 being a Late item **not** be dealt with and it be ruled by the Chairman to **not** be of great urgency.

Cr Polglase left the meeting at 8.41pm.

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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 8.42pm.



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

Chairman

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