



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

**Councillors:** P Youngblutt (Deputy Mayor)  
C Byrne  
B Longland  
K Milne  
W Polglase

# Minutes

## **Ordinary Council Meeting Thursday 2 July 2015**

held at Murwillumbah Cultural and Civic Centre  
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 6.18pm.

**IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr Danny Rose (Acting Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), 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] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 2 July 2015

373

Cr K Milne  
Cr C Byrne

**RESOLVED** that the recommendations of the Ordinary Planning Committee Meeting held Thursday 2 July 2015 be adopted.

- 1 [PR-PC] Unauthorised Earthworks and Pollution Events at Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum

**RECOMMENDED** that Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:

1. In terms of the unauthorised earthworks - construction of road and house pad discontinues the proposal to take Class 5 proceedings in the NSW Land and Environment Court against the site owner; and

2. In terms of water pollution - remediation of tributary adjacent to the Crown Road Reserve, deems the Clean-Up Notice satisfied as per the advice from NSW Soil Conservation Services and NSW Office of Water.
3. That this issue be referred to the Tweed River Committee for advice on the ongoing management and monitoring of the waterway.

**2 [PR-PC] PP10/0007 Mooball Planning Proposal**

**RECOMMENDED** that this item be deferred to 6 August 2015 Planning Committee meeting to enable a workshop to be held with Council staff so that Councillors can be better informed on the critical issues of flood impact and the rationale behind the recommended lot sizes.

**3 [PR-PC] PP11/0002 Pottsville Employment Land - Referral to Department of Planning and Environment to have Plan Made**

**RECOMMENDED** that Council endorse that:

1. Planning Proposal for Pottsville Employment Land be amended and resubmitted to the NSW Department of Planning & Environment under Clause 58 of Environmental Planning and Assessment Act 1979 for a Gateway reconsideration;
2. Upon receiving the Gateway Determination from the NSW Department Planning & Environment the Planning Proposal be re-exhibited for a period of not less than 14 days in accordance with relevant statutory requirements and the Determination Notice; and
3. Following a public exhibition of the Planning Proposal a further report on the content of submissions received be reported to Council at the earliest time. Should there be no submissions received, no further report will be submitted to Council, and the Planning Proposal as exhibited will be submitted directly to the Department.

**4 [PR-PC] Planning Proposal PP13/0002 Palm Lake Resort, 2 Barneys Point Road, Banora Point - Land Rezoning**

**RECOMMENDED** that:

1. Council endorses the making of the Local Environmental Plan Amendment No. 7 to facilitate the rezoning of part of Lot 11 DP 1206666, being part of the Palm Lake Resort at 2 Barneys Point Road, Banora Point, and the referral of Planning Proposal (PP13/0002) to the NSW Department of Planning and Environment to be made; and

2. Compliance with the Planning for Bushfire Protection 2006, as well as any adverse impact on the natural environment will be assessed at the Development Application stage.

**5 [PR-PC] PP15/0003 Murwillumbah Services Bowls and Sports Club (Woolworths Supermarket)**

**DECLARATION OF INTEREST**

Cr G Bagnall declared a Pecuniary conflict of interest in this item.

The nature of this interest is that he has a restaurant in the Murwillumbah CBD but it is remote from the proposed development.

Cr G Bagnall vacated the Chambers and took no part in the discussion and voting.

Cr P Youngblutt assumed the chair.

**RECOMMENDED** that this item be received and noted and no action taken at this point in time.

**6 [PR-PC] Local Heritage Assistance Fund Grants**

Cr G Bagnall assumed the chair.

**RECOMMENDED** that Council receives and notes the summary of the outcomes of the 2014-15 inaugural Local Heritage Assistance Fund Grants program.

**7 [PR-PC] Draft Rural Villages Strategy**

**RECOMMENDED** that Council endorse that:

1. The Draft Rural Villages Strategy be placed on public exhibition for a period of 60 days and accepts public submissions over that period; and
2. Following public exhibition, a further report on the content of submissions received be reported back to Council at the earliest time.

**8 [PR-PC] Installation of Instrument Landing System - Preliminary Draft Major Development Plan - Gold Coast Airport**

**RECOMMENDED** that Council prepares a submission to Gold Coast Airport Pty Ltd identifying the potential adverse ecological impacts associated with the installation of the localiser antenna component of the Instrument Landing System.

**9 [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 2015 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***AGAINST VOTE - Unanimous***

---

**REPORTS THROUGH THE GENERAL MANAGER**

**REPORTS FROM THE GENERAL MANAGER**

**LATE ITEM**

**374**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Items 2 and 3 being Addendum items be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**2 [GM-CM] Vacancy in Civic Office following Resignation of Councillor Armstrong**

**375**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Council makes application to the Minister for Local Government that the vacancy not be filled.

**ADJOURNMENT OF MEETING**

The Mayor adjourned the meeting for a 15 minute period at 6.30pm in accordance with Part 8.4 of the Code of Meeting Practice - How Disorder at a Meeting May be Dealt With.

## RESUMPTION OF MEETING

The Meeting resumed at 6.45pm.

### AMENDMENT 1

376

**Cr G Bagnall**  
**Cr K Milne**

**PROPOSED** that Council makes application to the Minister for Local Government to order the holding, on a stated date, of a by-election to fill the vacancy.

Amendment 1 was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**

The Motion was **Carried** (Minute No. 375 refers)

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

---

## 3 [GM-CM] Council Committees

### ALTERNATE MOTION

377

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that the decision be deferred to the next Council meeting to enable Council to have time to consider membership in various Committees.

The Motion was **Carried**

**FOR VOTE - Unanimous**

---

There being no further business the Meeting terminated at 6.56pm



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

---

**Chairman**