



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

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

# Minutes

## **Extraordinary Council Meeting Thursday 12 February 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 5.05pm.

### **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 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 Mrs Kerrie McConnell (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 by Council's Mayor, Cr G Bagnall.

### **APOLOGIES**

Attendee Cr M Armstrong has informed the General Manager that his absence is caused by personal circumstances.

**48**

**Cr K Milne**  
**Cr W Polglase**

**RESOLVED** that the apology of Cr M Armstrong be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

### **DISCLOSURE OF INTEREST**

Nil.

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

Nil.

**MAYORAL MINUTE**

Nil.

**REPORTS THROUGH THE GENERAL MANAGER**

**REPORTS FROM THE GENERAL MANAGER**

Nil.

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

- 1            **[PR-EXT] Development Application DA03/0445.02 for an Amendment to Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 DP 735658**

49

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Part 3 of Minute No. 47 (Planning Committee Minute No. P2) of 5 February 2015 *"under Development Application DA03/0445.02 for an amendment to Development Consent DA03/0445 for use of an existing stock & domestic water bore for the purpose of a rural industry comprising the harvesting & bottling of mineral water at Lot 1 DP 735658 No. 477 Uriup Road, Bilambil:*

.....

3.    *That the proponent is to comply with the conditions of existing consent and if there is non-compliance that Council officers to act on this.*

***be rescinded."***

The Rescission Motion was **Carried**

***FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt  
AGAINST VOTE - Cr K Milne, Cr G Bagnall  
ABSENT. DID NOT VOTE - Cr M Armstrong***

50

**Cr W Polglase**  
**Cr P Youngblutt**

**PROPOSED** that Development Application DA03/0445.02 for an amendment to Development Consent DA03/0445 for use of an existing stock & domestic water bore for the purpose of a rural industry comprising the harvesting & bottling of mineral water at Lot 1 DP 735658 No. 477 Uriup Road, Bilambil:

1. Be deferred for consideration of the application to allow the applicant to supply information necessary to complete the assessment and a report be brought back to 9 April 2015 Planning Committee meeting.
2. Hold a Councillor Workshop on this application.
3. That the proponent be allowed a maximum of 12 trips per day for delivery movement using the current sized (6 metres) delivery vehicles as a temporary measure, up until Council's determination of Section 96 application DA03/0445.02.

**AMENDMENT 1**

51

**Cr B Longland**  
**Cr K Milne**

**PROPOSED** that Development Application DA03/0445.02 for an amendment to Development Consent DA03/0445 for use of an existing stock & domestic water bore for the purpose of a rural industry comprising the harvesting & bottling of mineral water at Lot 1 DP 735658 No. 477 Uriup Road, Bilambil:

1. Be deferred for consideration of the application to allow the applicant to supply information necessary to complete the assessment and a report be brought back to 9 April 2015 Planning Committee meeting.
2. Hold a Councillor Workshop on this application.
3. That the proponent be allowed a maximum of six (6) trips per day for delivery movement using the current sized (six (6) metres) delivery vehicles as a temporary measure, up until Council's determination of Section 96 application DA03/0445.02.

Amendment 1 was **Lost**

**FOR VOTE - Cr B Longland, Cr G Bagnall**

**AGAINST VOTE - Cr K Milne, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**

**ABSENT. DID NOT VOTE - Cr M Armstrong**

## **SUSPENSION OF STANDING ORDERS**

**52**

**Cr B Longland  
Cr K Milne**

**RESOLVED** that Standing Orders be suspended to deal with Item 1 [PR-EXT] Development Application DA03/0445.02 for an Amendment to Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 DP 735658 No 477 Urliup Road, Bilambil of the Agenda in Committee of the Whole.

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt  
AGAINST VOTE - Cr C Byrne  
ABSENT. DID NOT VOTE - Cr M Armstrong**

## **RESUMPTION OF STANDING ORDERS**

**53**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Standing Orders be resumed in Open Council.

**FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr M Armstrong**

## **AMENDMENT 2**

**54**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Development Application DA03/0445.02 for an amendment to Development Consent DA03/0445 for use of an existing stock & domestic water bore for the purpose of a rural industry comprising the harvesting & bottling of mineral water at Lot 1 DP 735658 No. 477 Urliup Road, Bilambil:

1. Be deferred for consideration of the application to allow the applicant to supply information necessary to complete the assessment and a report be brought back to 9 April 2015 Planning Committee meeting.
2. Hold a Councillor Workshop on this application.
3. That the proponent be allowed a maximum of eight (8) trips per day for delivery movement using the current sized (six (6) metres) delivery vehicles as a temporary measure, up until Council's determination of Section 96 application DA03/0445.02.

Amendment 2 on becoming the Motion was **Carried** - (Minute No. 54 refers)

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**  
**AGAINST VOTE - Cr K Milne, Cr G Bagnall**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**  
**AGAINST VOTE - Cr K Milne, Cr G Bagnall**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

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## **REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

Nil.

## **REPORTS FROM THE DIRECTOR ENGINEERING**

Nil.

## **REPORTS FROM THE DIRECTOR CORPORATE SERVICES**

Nil.

## **ORDERS OF THE DAY**

Nil.

## **URGENCY MOTION**

**55**

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

**RESOLVED** that the Urgency Motion to deal with [PR-EXT] Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff be accepted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr M Armstrong**

**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

**56**

**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  
ABSENT. DID NOT VOTE - Cr M Armstrong***

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C1 [PR-EXT] Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff**

**C5**

That in relation to Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff:

1. On 4 September 2014 Council determined DA14/0164 by way of refusal. Council subsequently on 5 February 2015 resolved to consider a Rescission Motion in relation to the determination of DA14/0164 and a subsequent Notice of Motion for Deferred Commencement approval of DA14/0164 resulting in a purported approval of DA14/0164.
2. Council notes that the purported approval on 5 February 2015 at Minute Number 47 (Planning Committee Minute Number P23) of DA14/0164 was beyond power and wishes to correct the public record.

DA14/0164 remains determined by way of refusal, as per Council's original resolution of 4 September 2014 (Minute Number 518).

3. Council notifies all relevant parties of its error and clarifies that DA14/0164 remains determined by way of refusal.



The Motion was **Carried**

***FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr P Youngblutt  
AGAINST VOTE - Cr C Byrne, Cr W Polglase  
ABSENT. DID NOT VOTE - Cr M Armstrong***

**57**

**Cr K Milne  
Cr G Bagnall**

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

The Motion was **Carried**

***FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr P Youngblutt  
AGAINST VOTE - Cr C Byrne, Cr W Polglase  
ABSENT. DID NOT VOTE - Cr M Armstrong***

There being no further business the Meeting terminated at 5.53pm.



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**

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