



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne (Mayor)

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

Minutes

Planning Committee Meeting Thursday 17 November 2016

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,**
Tumbulgum Road, Murwillumbah commencing at 5.00pm

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The Meeting commenced at 5.00pm.

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 Danny Rose (Acting 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 Maree Morgan (Minutes Secretary).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

The General Manager, Mr Troy Green, declared a *non-significant non-pecuniary* Interest in Item 2 [PR-PC] Planning Proposal PP12/0001 - 420-434 Terranora Road, Terranora - Submission in Response to Public Exhibition by the Department of Planning and Environment.

The nature of the interest is that he has previously owned property in the near vicinity of this property. Mr Green advised that he will vacate the chamber during the consideration of this item.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

1 [PR-PC] Planning Proposal PP10/0006 - 225 Terranora Road, Banora Point

P 97

Cr R Cooper
Cr W Polglase

RECOMMENDED that, in respect of Planning Proposal PP10/0006 for Lot 16 DP 856265 at 225 Terranora Road, Banora Point, the Council endorses that:

1. The planning request for a zoning redefinition prepared by Planit Consulting Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;
2. A reduced area of rezoning definition and subdivisional capability is supported to the extent that it permits only a two lot subdivision, and for the purpose of residential use;
3. The Proponent is to confirm their acceptance of the reduced area for rezoning investigation and two lot subdivision capability within 21 days of the date of this resolution taking effect;
4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area and restricted subdivision capability, but not before the compliance matters relating to the illegal dwelling(s) and imported fill material have been concluded to the Councils satisfaction; and
5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.
6. The Director Planning and Regulation is to take all necessary and reasonable measures to ensure that any breach of planning laws in respect of the illegal dwelling(s) and imported fill material are rectified in accordance with those laws and where appropriate the land is to be reinstated to its natural condition prior to those works or buildings occurring.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [PR-PC] Planning Proposal PP12/0001 - 420-434 Terranora Road, Terranora - Submission in Response to Public Exhibition by the Department of Planning and Environment

The General Manager, Mr Troy Green, declared a *non-significant non-pecuniary* Interest in this item. The nature of the interest is that he has previously owned property in the near vicinity of this property.

Mr Green advised that he will vacate the chamber during the consideration of this item.

P 98

Cr W Polglase

Cr J Owen

RECOMMENDED that the attached submission sent to the Department of Planning and Environment on the public exhibition of the Planning Proposal PP12/0001 for 420-434 Terranora Road, Terranora is received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [PR-PC] Planning Proposal PP16/0002 - Lot 1 DP 595863, Lots 2 & 3 DP 819065 and Lot 1 DP 807182 Winchelsea Way, Terranora

P 99

Cr J Owen

Cr C Cherry

RECOMMENDED that Council, in respect of Planning Proposal PP16/0002 - Lot 1 DP 595863, Lots 2 & 3 DP 819065, and Lot 1 DP 807182 Winchelsea Way, Terranora, endorses that:

1. The planning request for a zoning redefinition prepared by Darryl Anderson Consulting Pty Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;
2. A reduced area of investigation for a rezoning definition is supported for the land situated generally at the 110 to 120 metre AHD contour lines, and for the purpose of large lot residential;
3. The Proponent is to confirm their acceptance of the reduced area for investigation within 21 days of the date of this resolution taking effect;
4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area of investigation; and

5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [PR-PC] Planning Proposal PP16/0003 - Filming on Private Land

P 100

**Cr J Owen
Cr P Allsop**

RECOMMENDED that:

1. Council notes the public exhibition, for which there was no public submissions received, and the advice of NSW Rural Fire Service raising no objection to the planning proposal;
2. The Planning Proposal PP16/0003 'filming' is approved; and
3. The Director Planning and Regulation is to forward Planning Proposal PP16/0003 to the NSW Minister for Planning & Environment with a request that the Plan be made pursuant to s.59 of the *Environmental Planning and Assessment Act 1979*, at the earliest time.

The Motion was **Carried**

FOR VOTE - Unanimous

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

P 101

**Cr W Polglase
Cr C Cherry**

RECOMMENDED that Council notes there are no variations for the month of October 2016 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

P 102

**Cr K Milne
Cr W Polglase**

RESOLVED that Standing Orders be suspended at 5.19PM to deal with Item C1 of the Confidential Agenda in conjunction with the Council Meeting Confidential Items.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

Nil.

Cr R Cooper temporarily left the meeting at 8.34PM.

RESUMPTION OF STANDING ORDERS

P 103

**Cr K Milne
Cr P Allsop**

RESOLVED that Standing Orders be resumed at 8.35PM.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr R Cooper***

CONFIDENTIAL PLANNING COMMITTEE

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:-

Cr R Cooper returned to meeting at 8.38PM.

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-PC] Development Application DA11/0022.01 for an Amendment to Development Consent DA11/0022 for a Tennis Complex Comprising a Clubhouse, 12 Fully Lit Tennis Courts and 52 Car Parking Spaces at Lot 465 DP 1144944 Henry Lawson Drive, Terranora; Lot 283 D

REASON FOR CONFIDENTIALITY:

This report is confidential as it discusses potential claims and complaints relating to a Private Certifier.

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.

PC 6

**Cr C Cherry
Cr W Polglase**

RECOMMENDED that the report on Development Application DA11/0022.01, for an amendment to Development Consent DA11/0022 for a tennis complex comprising a clubhouse, 12 fully lit tennis courts and 52 car parking spaces at Lot 465 DP 1144944 Henry Lawson Drive, Terranora; Lot 283 DP 873663 No. 89 Henry Lawson Drive, Terranora, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

P 104

**Cr K Milne
Cr J Owen**

RECOMMENDED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Planning Committee Meeting terminated at 8.45PM.



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