



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Thursday 18 July 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 4.45pm

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 4.45pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (Acting General Manager), Mr Michael Chorlton (Acting Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

458

Cr B Longland
Cr M Armstrong

RESOLVED that Council notes that for June 2013 there are no Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [PR-CM] Compliance Matters in Relation to No. 140 Turners Road, Wardrop Valley

Cr G Bagnall declared a Significant, Non-Pecuniary Interest in this item. The nature of the interest is that Cr G Bagnall is known to the proponents of this item. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter. Cr G Bagnall left the meeting at 5.37PM.

459

Cr K Milne
Cr M Armstrong

RESOLVED that item be deferred to the August meeting of Council.

The Motion was **Carried** on the Casting Vote of the Mayor.

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

10 [PR-CM] Development Application DA12/0620 for Construction of an Awning over an Existing Outdoor Dining Area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah and Road 5900 Wharf Street, Murwillumbah

Cr Bagnall declared a pecuniary interest in this item. The nature of the interest is that Cr G Bagnall operates a similar business in the vicinity. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

460

Cr M Armstrong
Cr K Milne

PROPOSED that Development Application DA12/0620 for construction of an awning over an existing outdoor dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf Street, Murwillumbah be refused for the following reasons:

1. The development would result in a security and public safety risk and would therefore be contrary to Clause 4, Clause 8 and Clause 11 of the Tweed Local Environmental Plan 2000.
2. The development would detract from the heritage significance of the host building and the character and amenity of the Murwillumbah Town Centre and would therefore be contrary to Clause 4, Clause 8, and Clause 11 of the Tweed Local Environmental Plan 2000.
3. The development would not protect or enhance the public domain and would therefore be contrary to the Murwillumbah Town Centre Development Control Plan - B22.
4. The development would detract from the heritage significance of the Murwillumbah Main Street Conservation Area and would therefore be contrary to Clause 5.10 of the Tweed Draft Local Environmental Plan 2012.

461

AMENDMENT

Cr C Byrne
Cr W Polglase

RESOLVED that this item be deferred to the August meeting of Council to allow Council staff to continue to negotiate with the owner for an alternative structure.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 461 refers)

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

Cr G Bagnall has returned from temporary absence at 05:58 PM

11 [PR-CM] Border Park Raceway Planning Proposal PP13/0001

462

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. A Planning Proposal PP13/0001 be prepared for the Border Park Raceway site in respect of Lot 644 DP 755740 and Lot 21 DP 518902 for employment lands, subject to the final zone being determined through the additional detailed assessment requirements as outlined in this report;
2. The Planning Proposal PP13/0001 be referred to the Department of Planning and Infrastructure following execution of a costs and expenses agreement between Council and the proponent; and
3. The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.

463

AMENDMENT 1

Cr K Milne
Cr G Bagnall

PROPOSED that Council proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a Ministerial Gateway determination, subject to the additional detailed assessment as identified in this report and other potential assessment as identified by the consultant undertaking the processing of the proposal, to inform the employment zone of the subject site.

The Amendment 1 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

464

AMENDMENT 2

Cr K Milne

Cr G Bagnall

PROPOSED that this item be deferred for a Workshop.

The Amendment 2 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No 462 refers)

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

12 **[PR-CM] Planning Reform Unit - Resourcing Implications for Council's Strategic Project Resolutions Post Adoption of the Unit's Work Program 2013/2016**

465

Cr M Armstrong

Cr B Longland

RESOLVED that:

1. The report Planning Reform Unit - Resourcing Implications for Council's Strategic Project Resolutions Post Adoption of the Unit's Work Program 2013/2016 be received and noted; and
2. A Councillors Workshop be held to discuss the feasibility of advancing additional items to the adopted 2013/16 Planning Reforms Unit Work Program.

Cr W Polglase temporarily left the meeting at 06:27 PM.

Cr W Polglase returned from temporary absence at 06:28 PM

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora

The Acting General Manager, Mr Troy Green, declared a pecuniary interest in this matter. The nature of Mr Green's interest is that he is an adjacent property owner. Mr Green vacated the chamber during the discussion and voting on the matter

466

**Cr K Milne
Cr G Bagnall**

PROPOSED that:

1. The report on Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora be received and noted.
2. Council investigates alternative options to preserve the scenic qualities of the site, including negotiation with the owner and option for a part commercial rezoning.

467

AMENDMENT

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that the report on Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora be received and noted.

The Amendment was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong
AGAINST VOTE - Cr K Milne, Cr G Bagnall, Cr B Longland**

The Amendment on becoming the Motion was **Carried** - (Minute No 467 refers)

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne,
Cr B Longland
AGAINST VOTE - Cr G Bagnall**



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