



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

Councillors: P Youngblutt (Deputy Mayor)
D Holdom
K Milne
W Polglase
K Skinner
J van Lieshout

Minutes

Planning and Regulation Reports **Ordinary Council Meeting** **Tuesday 20 September 2011**

held at Murwillumbah Cultural and Civic Centre
commencing at 3.30pm

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 3.50pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr P Youngblutt (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase, Cr K Skinner and Cr J van Lieshout.

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

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 6 [PR-CM] Department of Planning Application MP06_0153 at Lot 156 DP 628026; Creek Street, Hastings Point for a 45 Lot Residential Subdivision (Council Reference DA10/0228)**

DECLARATION OF INTEREST

Cr P Youngblutt declared non-significant non-pecuniary Interest in this item, left the Chamber at 04:05 PM and took no part in the discussion or voting. The nature of the interest is that Cr P Youngblutt has a brother who lives on the property and works for the proponent.

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**Cr D Holdom
Cr K Skinner**

RESOLVED that Council endorses the contents of this report relating to Major Project Application MP06_0153 at Lot 156 DP 628026, Creek Street, Hastings Point and that a copy of this report (which recommends the application be refused) be forwarded to the NSW Department of Planning and Infrastructure for their consideration.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt**

Cr P Youngblutt has returned from temporary absence at 04:08 PM

7 [PR-CM] Planning Proposal PP10/0001 - Lot 10 DP 1084319 "Boyds Bay Garden World Site", Tweed Heads West

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**Cr D Holdom
Cr W Polglase**

RESOLVED that:

1. Council endorses the public exhibition of Planning Proposal (PP10/0001) for a change of land-use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G, at Lot 10 DP 1084319 Parkes Drive Tweed Heads West in accordance with point No.2 of this recommendation, subject to Council officers receiving prior advice from the NSW Roads and Traffic Authority and Council's Heritage Consultant in support of the Draft LEP Amendment described in this report;
2. Draft Tweed Local Environmental Plan 2000 – Amendment No. 93 – Boyds Bay Garden World Site, (Planning Proposal PP10/0001) for a change of land use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G at Lot 10 DP 1084319 Parkes Drive Tweed Heads West be publicly exhibited for a minimum period of 28 days, in accordance with the Gateway Determination dated 6 September 2010 and clause 57 of the *Environmental Planning and Assessment Act 1979*; and,
3. Following public exhibition any public submission received in respect of the Draft Amendment No.93 is to be reported to Council along with any proposed amendments.

The Motion was **Carried**

**FOR VOTE - Cr J van Lieshout, Cr K Skinner, Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr B Longland
AGAINST VOTE - Cr K Milne**

8 [PR-CM] Tree Preservation Order Application/Compliance Assessment - Lot 1 DP175234 and Lot 1 DP781511 No. 93 Parkes Lane, Terranora

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**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council endorses the following actions in respect of recent vegetation removal on the premises at Lot 1 DP 175234 and Lot 1 DP 781511, No. 93 Parkes Lane, Terranora:

1. Compliance action not be pursued for the tree removal undertaken;

2. The owners of the site be advised that cover must be established immediately over exposed soil areas to prevent erosion and potential compliance action under the Protection of the Environment Operations Act;
3. The Tree Preservation Order (TPO) application submitted to Council on 26 July 2011 be refused on the basis that the significance of the impact on threatened species, populations and ecological communities has not been assessed; and
4. The applicants of the TPO be advised in writing that, if Camphor Laurel removal throughout the property is to be pursued, a Development Application is required which specifies best-practice weed control methods and is accompanied by a flora and fauna assessment detailing how impacts are to be minimised.

The Motion was **Carried**

FOR VOTE - Unanimous

- 9 [PR-CM] Defence of a Class 1 Appeal Lodged in the NSW Land and Environment Court Against Council for the Deemed Refusal of Construction Certificate Application CC10/0391: for Excavation of a Lake and Construction of Three Islands as Part of Tourist Resor**

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**Cr D Holdom
Cr K Milne**

RESOLVED that Council notes the information provided in this report and endorses the engagement of Council's solicitors to defend the Class 1 Appeal in the NSW Land and Environment Court, on the basis of a deemed refusal, in respect of the undetermined construction certificate application CC10/0391 lodged with Council for the excavation of a lake and construction of three islands as part of tourist resort at Lot 1 DP 408972; Lot 1 DP 779817; No. 440 Wooyung Road Wooyung.

The Motion was **Carried**

FOR VOTE - Unanimous

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

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**Cr K Milne
Cr D Holdom**

RESOLVED that Council notes the August 2011 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

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