



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

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

Minutes

Planning Committee Meeting Thursday 5 March 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

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The Meeting commenced at 5.00pm.

IN ATTENDANCE

Cr G Bagnall (Mayor), Cr P Youngblutt (Deputy Mayor), 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 Paul Morgan (Manager Design), 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 Miss Janet Twohill (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 read by the Mayor.

APOLOGIES

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

Attendee Cr C Byrne has informed the General Manager that her absence is caused by personal circumstances.

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Cr K Milne
Cr B Longland

RESOLVED that the apologies of Cr M Armstrong and Cr C Byrne be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

1 [SOR-PC] Schedule of Outstanding Resolutions - Planning Committee

That the Schedule of Outstanding Resolutions was received and noted.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

2 [PR-PC] Combined Development Application (DA10/0737) and Planning Proposal (PP15/0001) for Expansion of the BP Highway Service Centre at Lot 1 DP 1127741 and Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah (Southbound Lane)

P 28

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that:

1. A planning proposal, pursuant to s.55 of the *Environmental Planning and Assessment Act 1979*, to facilitate redevelopment and expansion of the highway service centre on Lot 1 DP 1127741 and Lot 2 DP 1010771 be prepared and submitted for a Gateway Determination, as administered by the NSW Department of Planning & Environment.
2. The Minister for Planning & Environment or their Delegate be advised that Tweed Council is not seeking plan making delegations for the planning proposal.
3. The Minister for Planning & Environment or their Delegate be requested that the minimum exhibition period for joint exhibition of the Planning Proposal and corresponding Development Application (DA10/0737) should be for a period not less than 28 days and should be concurrent.
4. On receipt of the Minister's Gateway Determination Notice to proceed any 'conditional' requirements of the Minister and any other study or work required by Council for the purpose of making a proper determination of the lands suitability are to be completed, and included within the public exhibition material.
5. Following public exhibition of the Planning Proposal a report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s).

AMENDMENT

P 29

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a workshop.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt

ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

The Motion was **Carried** (Minute No. P 28 refers)

FOR VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

**3 [PR-PC] Results of NSW Planning and Infrastructure's Local Development
Performance Monitoring Report 2013/14**

P 30

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that the results of NSW Planning and Infrastructure's Local Development Performance Monitoring Report 2013/14 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

4 [PR-PC] Alleged Unauthorised Works at Lot 301 DP 1053375 and Lot 2 DP 1190805 No. 239 Zara Road, Chillingham

P 31

**Cr P Youngblutt
Cr W Polglase**

RECOMMENDED that the report titled alleged unauthorised works on the site and the rectification actions being taken by the site owner at Lot 301 DP 1053375 and Lot 2 DP1190805 No. 239 Zara Road, Chillingham be received and noted.

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AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a workshop.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No. P 31 refers)

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

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

P 33

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Council notes the February 2015 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

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

CONFIDENTIAL COMMITTEE

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**Cr P Youngblutt
Cr B Longland**

RESOLVED that Planning Committee 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, Cr C Byrne

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN 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:-

URGENCY ITEM

PC 3

RESOLVED that Item C1 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

C1 [PR-PC] 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

REASON FOR CONFIDENTIALITY:

This report has been made Confidential so as not to prejudice any future legal proceedings.

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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

PC 4

That in respect of 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. On 5 February 2015 Council determined in respect of DA03/0445.02 a number of actions including the deferral of the matter to enable the applicant to submit further information and that a Councillors Workshop be held. At an Extraordinary Meeting held on 12 February, 2015 Council subsequently resolved to consider a Rescission Motion in relation to Point 3 of the resolution from the 5 February 2015 meeting, and a subsequent Notice of Motion for a new Point 3 to allow an increase in the number of daily truck movements of the current business.
2. Council notes that the purported approval on 12 February 2015 at Extraordinary Council Meeting Minute Number 54 relating to DA03/0445.02 was beyond power and wishes to correct the public record.

DA03/0455.02 remains on foot, as determined by way of Council's original resolution of 5 February 2015 (Planning Committee Minute Number P2).

3. Council notifies all relevant parties of its error and clarifies that DA03/0445.02 remains on foot as per Council's determination of 5 February 2015.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr W Polglase, Cr P Youngblutt

ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

PC 5

Cr K Milne
Cr G Bagnall

RECOMMENDED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong, Cr C Byrne

There being no further business the Planning Committee Meeting terminated at 5.40pm.

