

The Meeting commenced at 5.30pm

IN ATTENDANCE

Administrators Ms Lucy Turnbull (Chairman), Mr Garry Payne, Mr Max Boyd.

Also present were Mr Mike Rayner (Acting General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Patrick Knight (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held 16 November 2005

P 85 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

Planning Committee Minutes for meeting held 16 November 2005 have been amended to reflect changes to condition 41 of Item 1, condition 52 of Item 2 and conditions 13(c) and 59 of Item 3.

RESOLVED that the Minutes of the Planning Committee Meeting held Wednesday 16 November 2005 be adopted as a true and accurate record of proceedings of that meeting including the following amendments:

1. Condition 41 of Item 1 - Development Application DA05/0737 for Demolition of Existing Structures and the Erection of a Six (6) Storey Multi Dwelling Housing Development at Lot 4 DP 10007, No 32 Boundary Street, Tweed Heads to be amended to read:

"41. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot."

2. Condition 52 of Item 2 - Development Application DA05/0006 for the Demolition of an Existing Dwelling and Erection of 4 Residential Apartments and Associated Car Parking at Lot 5 Sec 3 DP 9453, No 2 Sutherland Street, Kingscliff to be amended to read:

"52. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible

due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot."

3. Conditions 13(c) and 59 of Item 3 - Development Application DA04/1591 for a 65 lot subdivision at Lot 4 DP1074167, No 137 Old Lismore Road, Murwillumbah to be amended to read:

"13. (c) Densely plant with sub-tropical (rainforest) native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant. Preference should be given to native and drought tolerant species wherever possible."; and

"59. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot."

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

ACCESS - PLANNING

Name	Subject
Miss Valletta Schelling	Item 1 [PD] Development Application DA05/0924 - Use of Existing Premises as a Bulk Store at Lot 21 Sec 4 DP 2379, No 56 Recreation Street, Tweed Heads

REPORTS THROUGH ACTING GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

- 1 **[PD] Development Application DA05/0924 - Use of Existing Premises as a Bulk Store at Lot 21 Sec 4 DP2379, No. 56 Recreation Street, Tweed Heads**

The following person addressed the meeting of the Planning Committee on this matter.

Miss Valletta Schelling

P 86 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this item be deferred pending the provision of appropriate legal advice in relation to the zoning for this application.

FOR VOTE - Unanimous

- 2 **[PD] Development Application D95/0148.01 for an Amendment to Development Consent D95/0148 for Continuation and Expansion of Existing Quarry (Quirk's) at Lot 12 DP 601427, Lot 1 DP 34555, Lot 26 DP 615931, Eviron Road, Eviron**

The following person addressed the meeting of the Planning Committee on this matter.

Ms Sandy Ellis - Duranbah Public School

P 87 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this report be referred to the next meeting of Council's Local Traffic Committee to assess the speed limits posted in this locality in relation to this Section 96 Application D95/0148.01 and that Ms Sandy Ellis (Principal Duranbah Public School) be invited to attend the meeting to discuss this matter.

FOR VOTE - Unanimous

3 [PD] S82A Review of Determination - DA05/0701 for Greyhound Kennels and Colorbond Fence at Lot 3 DP 701833, No.3808 Kyogle Road, Mount Burrell

P 88 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that: -

1. The S82A Review of Determination for Development Application DA05/0701 for greyhound kennels and colorbond fence at Lot 3 DP 701833, No.3808 Kyogle Road, Mount Burrell be refused and the following reasons for refusal be confirmed:
 1. The proposed development fails to satisfy the primary objective for the 1(a) Rural zone under the Tweed Local Environmental Plan 2000 in that it would not protect the rural character and amenity.
 2. The proposed development fails to satisfy Clause 17 of the Tweed Local Environmental Plan 2000 in that it would have a significant social impact upon the local community.
 3. The proposed development fails to satisfy Clause 15 of the Tweed Local Environmental Plan 2000 in that it cannot ensure there will be adequate measures to protect the environment and the community's health.
 4. The proposed development fails to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in that it is not supported by adequate information to allow a proper assessment in relation to impact upon the rural and natural environment.
 5. The proposed development fails to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in that it would have an unreasonable and adverse impact upon the rural environment and neighbouring properties in terms of noise emissions.
 6. The proposed development fails to satisfy Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 in that the suitability of the site has not been adequately demonstrated.
 7. The proposed development fails to satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 in that because the adverse impacts cannot be properly assessed, it is not in the public interest.
 8. The proposed development fails to satisfy Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979 in that the application has attracted a number of public submissions in the negative which have

raised matters which are considered to have merit.

2. Council's Solicitors be instructed to defend the Appeal currently before the Land & Environment Court.

FOR VOTE - Unanimous

4 [PD] Tweed Heads Master Plan - Section 94

P 89 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:

1. Adopts the exhibited amended Section 94 Contribution Plan No 26 – Shire Wide/Regional Open Space.
2. Adopts the exhibited Section 94 Contribution Plan No 27 – Tweed Heads Master Plan – Streetscaping and Local Open Space.
3. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the Section 94 Contribution Plans come into effect on the date of the notice.

FOR VOTE - Unanimous

5 [PD] New Arrangements for Development Control Plans

P 90 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Council: -

1. Endorses the exhibition of draft Tweed Shire Development Control Plan comprising a compendium of all current Development Control Plans for 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.
2. Delegates to the Manager of Strategic Planning to prepare the details of this amalgamated Development Control Plan.

3. Incorporates into the single Development Control Plan any amendments to source Development Control Plans that have been approved by Council.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

REPORTS FROM ACTING DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

CONFIDENTIAL MATTERS

Nil.

There being no further business the Meeting terminated at 6.10pm



**The Minutes of Planning Committee Meeting held 16 November 2005
were Confirmed at the
Planning Committee Meeting held 30 November 2005**

**The Recommendations of the Planning Committee Meeting
held on 30 November 2006 were adopted
by Council at the Meeting held xxx**

Chairman