

The Meeting commenced at 5.30pm.

IN ATTENDANCE

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

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Mike Rayner (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 Meeting of the Planning Committee held 7 September 2005

P 60 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RESOLVED that the Minutes of the Planning Committee Meeting held 7 September 2005 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Administrator Payne declared a non-pecuniary interest in Item 4 of the Agenda and limited his involvement in this matter by not participating in any discussion or voting on this matter.

This declaration is due to Administrator Payne being the Director-General of the Department of Local Government responsible for the report the subject of Item 4 and the proclamation appointing the administrators requires that Administrator Payne be present at the meeting.

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

Nil.

COMMUNITY ACCESS - PLANNING

Name	Subject
Mr Henry James	Item 1 Development Application DA05/1840 for a Grazing of Cattle and Associated Works at Lot 76 DP 755701, Lot 272 DP 755701, Lot 323 DP 755701, Lot 326 DP 755701 Duranbah Road, Kings Forest
Mr Greg Burgess, Friends of Terranora	Item 6 [EO] Subdivision Landforming Policy Council Review of Cut & Fill Guidelines for urban development

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

- 1 [PD] Development Application DA05/0840 for a grazing of cattle and associated works at Lot 76 DP 755701, Lot 272 DP 755701, Lot 323 DP 755701, Lot 326 DP 755701, Duranbah Road, Kings Forest

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

Mr Henry James

P 61 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that: -

1. Council defends the appeal on the basis that the Department of Environment and Conservation join Council in the appeal and provide expert advice in relation to its statements about the impact on threatened species if the development was approved.

2. Council reconsiders its position regarding this matter if the Department of Environment and Conservation do not support Council as set out above and has not advised Council of its support by 30 October 2005.

FOR VOTE - Unanimous

- 2 **[PD] DA04/0631 for the Demolition of Existing Structures & Erection of a 12 Storey Mixed Used Development Comprising Administration, Meeting & Function Rooms & 30 Residential Units at Lots 13, 14, 15 & 16 DP 224382, No. 11-17 Frances Street Tweed Heads**

This matter was deferred for consideration at the next Planning Committee meeting to be held on 19 October 2005.

- 3 **[PD] Tweed Heads Master Plan - Funding Through Section 94**

P 62 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that Council:

1. Approves the exhibition of amendment to Section 94 Contribution Plan No 26 – Shire Wide/Regional Open Space and its placement on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations;
2. Approves the exhibition of Section 94 Contribution Plan No 27 Tweed Heads Master Plan - Streetscaping and Local Open Space and its placement on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations;
3. Endorses the continuation of negotiated contributions for development in the Tweed Heads Master Plan area based on the new S94 rates proposed in this report, pending finalisation of these S94 Plans;
4. Endorses the adjustment to any contributions that have been made to date for the Masterplan based on the new contributions, following finalisation of the S94 Plans; and
5. Includes the implementation of the landscape component of the Master Plan for consideration in the 7 year Long Term Financial Plan.

FOR VOTE - Unanimous

4 [PD] Section 430 Investigation

DECLARATION OF INTEREST

Administrator Payne declared a non-pecuniary interest in Item 4 of the Agenda and limited his involvement in this matter by not participating in any discussion or voting on this matter.

P 63 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that : -

1. Council seeks an arrangement with the Department of Planning where meetings are held quarterly alternatively at Tweed and Grafton with relevant Council staff and the Administrators as appropriate.
2. Council advises Department of Planning that Council's strategic planning framework will be amended to accord with the Far North Coast Strategy as soon as it is adopted by the State Government.
3. Council only undertakes those spot rezonings where the rezonings would not thwart any of the State Government objectives and priorities as outlined in the concept planning for the Far North Coast Strategy.
4. Council seeks Department of Planning's agreement to review the administration of SEPP71 to progressively increase Council's delegations for some of these applications.
5. Council prepares locality plans with appropriate development standards for the Tweed's coastal villages as soon as practicable.
6. Council notes and endorses the proposed actions by the Department of Local Government and Department of Planning to review the reporting requirements of Councils when developments are approved contrary to staff recommendations.
7. Council notes and endorses the proposed actions of the Department of Local Government and the Department of Planning to have a joint approach to planning components of Promoting Better Practice Reviews for Councils where there is evidence of significant planning issues.
8. Council notes the proposal by the Department of Local Government to schedule a Promoting Better Practice Review of the Tweed Shire Council within the next twelve months.

9. The General Manager conveys Council's resolution in regard of the Section 430 report to the Minister for Local Government the Honourable Kerry Hickey, MP.

FOR VOTE - Voting - Unanimous

PRESENT. DID NOT VOTE - Administrator Payne

- 5 [PD] Request for Support for Development Concept to be Dealt with by the State Government Under Section 3(A) of the Planning and Environment Act - Lot 529 DP 1003396 Clothiers Creek Road, Clothiers Creek

P 64 COMMITTEE DECISION:

**Administrator Payne
Administrator Turnbull**

RECOMMENDED that Delfin Lend Lease be advised Council is supportive of the development concept being dealt with by the State Government under Part 3(A) of the Planning and Environment Act provided Council input is obtained for all aspects of the development assessment process.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS

- 6 [EO] Subdivision Landforming Policy

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

Mr Greg Burgess

P 65 COMMITTEE DECISION:

Administrator Turnbull
Administrator Payne

RECOMMENDED that having regard to the NSW Government Architect's "Preliminary Review of Planning Instruments for Residential Subdivision in Hill Zones":

- (a) Options for amendments to *Development Control Plan No.16 – Subdivision Manual*, should be provided in regard to regulation of subdivisions in steep areas to ensure consistencies with the principles of the Tweed Local Environmental Plan and the Tweed 2000 Strategic Plan.
- (b) *Development Design Specification D6 – Site Regrading*, be amended as follows:
- Change allowable retaining wall height table to discourage the use of retaining walls for production of flat "terraced" landforms on land that would otherwise be unsuitable for slab on ground dwelling construction.
 - Include diagrams to clarify above issue
 - Restrict retaining wall heights beyond the current 3m from boundary regulated area
 - Ensure greater clarity of mandatory design elements required for building design on hilly sites to avoid negative impacts on the topography and land form of the Tweed area
 - Consider amending the table at D6 page 7 to provide for reduced impact
 - Ensure that site coverage on hilly sites not be excessive and Council to report on options in that regard
- (c) Development Control Plan No.47 – Cut and Fill on Residential Land be amended to include:
- Development for future residential dwellings is to adopt sound urban design principles that are sympathetic to the topographical features of the site.
 - Future dwellings are not to be a contiguous slab on ground level if the building site area has a slope of greater than 10%.
 - Development on such land is to be of pole or pier construction or multiple slabs or the like that minimise the extent of cut and fill.
 - For residential dwellings the depth of excavation shall not exceed one metre and the depth of fill shall not exceed one metre so that the degree of both cutting and filling is minimised.
 - Excavations in excess of one metre within the confines of the building may be permitted to allow for basements, garages, etc providing the excavations are adequately retained and drained in accordance with engineering details.
 - Current "Section 2.2 - Variations to Cut and Fill Design" should be amended to prohibit variations to the one metre cut/fill limit
 - Provisions for other non residential uses (industrial, business etc)

- (d) Amended drafts of "Development Design Specification D6 - Land Regrading" and "Development Control Plan No. 47 - Cut and Fill on Residential Land" be presented to Council in December for exhibition and public consultation in January/February 2006.
- (e) Council requests the Department of Planning to increase minimum lot size in development areas requiring land forming to allow for sufficient surface area for on-site stormwater detention and treatment and landscaping.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

CONFIDENTIAL MATTERS

Nil.

There being no further business the Meeting terminated at 6.25pm.



**The Minutes of Planning Committee Meeting held 5 October 2005
were Confirmed at the Planning Committee
Meeting held xxx**

**The Recommendations of the Planning Committee Meeting
held on 5 October 2005 were adopted
by Council at the Meeting held xxx**

Chairman

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK