



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland

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

# Agenda

## **Extraordinary Council Meeting Friday 31 May 2013**

held at Murwillumbah Cultural and Civic Centre  
commencing at 8.30pm

## 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.

## Items for Consideration of Council:

ITEM	PRECIS	PAGE
	<b>ORDERS OF THE DAY</b>	<b>5</b>
1	[NOR-Crs M Armstrong, G Bagnall and K Milne] [PR-CM] Draft Local Environmental Plan (LEP) 2012	5
2	[NOM-Cr K Milne] Draft Local Environmental Plan (LEP) 2012	7
	<b>CONFIDENTIAL ITEMS FOR CONSIDERATION</b>	<b>11</b>

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## ORDERS OF THE DAY

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## Civic Leadership

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### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

1	Civic Leadership
1.2.1	Council will be underpinned by good governance and transparency in its decision making processes
1.2.2.1	Priority decision making
1.2.2.1.1	Council decisions will be in accordance with the Community Strategic Plan

### **1 [NOR-Crs M Armstrong, G Bagnall and K Milne] [PR-CM] Draft Local Environmental Plan (LEP) 2012**

#### **NOTICE OF RESCISSION:**

Councillor M Armstrong, G Bagnall and K Milne move that the resolution at Minute Number 289-Item 25 [PR-CM] Draft Local Environmental Plan (LEP) 2012 of the Council Meeting held Thursday 16 May 2013 being:

*... that draft Tweed Local Environmental Plan 2012 is endorsed subject to the amendments recommended under Part 3 of this Report, including recommendation No 52a to include environmental zones as exhibited under the draft Tweed Local Environmental Plan 2010, recommendation No 29 to include riparian clause, and including rationalisation of environmental protection zones on Council controlled land and:*

- 1. Council seeks advice from the Department of Planning and Infrastructure that the abovementioned changes can be made without the need for further public re-exhibition; and*
- 2. The draft Tweed Local Environmental Plan 2012 be referred to the Director-General of the Department of Planning and Infrastructure, following its amendment under Resolution 1 above, for the draft local environmental plan to be made; and*
- 3. That a draft local environmental plan (planning proposal) be prepared to fully implement Council's adopted approach to environmental protection (including State Environmental Planning Policy 44 Koala Habitat) consistent with outcomes of the State Government's review of the Environmental Zones and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region.*

**be rescinded.**

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## 2 [NOM-Cr K Milne] Draft Local Environmental Plan (LEP) 2012

### NOTICE OF MOTION:

Councillor K Milne moves that

- A. Draft Tweed Local Environmental Plan 2012 is endorsed subject to the amendments recommended under Part 3 of this Report, including recommendation No 52a to include environmental zones as exhibited under the draft Tweed Local Environmental Plan 2010, recommendation No 29 to include riparian clause, and including rationalisation of environmental protection zones on Council controlled land and:
1. Council seeks advice from the Department of Planning and Infrastructure that the abovementioned changes can be made without the need for further public re-exhibition; and
  2. The draft Tweed Local Environmental Plan 2012 be referred to the Director-General of the Department of Planning and Infrastructure, following its amendment under Resolution 1 above, for the draft local environmental plan to be made; and
  3. That a draft local environmental plan (planning proposal) be prepared to fully implement Council's adopted approach to environmental protection (including State Environmental Planning Policy 44 Koala Habitat) consistent with outcomes of the State Government's review of the Environmental Zones and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region.
- B. Draft Tweed Local Environmental Plan 2012 includes the following:
1. The proposed W3 working waterways be changed to W2 natural waterways except for the area known as the Southern Boatharbour to remain as W3.
  2. Environmental facilities be permitted only with consent in the zones where these facilities are proposed.
  3. To provide for an incentive scheme as an economic mechanism to facilitate environmental management and enhancement of koala habitat and corridors.
  4. Tweed City shopping centre site retain the current height limit at 13.6m
  5. The Architectural roof features clause be restricted to medium density residential development and seniors housing for lift over runs only.
  6. That Council includes all Churches and educational establishments as SP2 zoning due to the vital service these organisations provide to the Tweed Shire communities.

**Noted:** In many cases these establishments are the only facility of their type in the locality, and /or the only community facility in the locality servicing local needs. These facilities are particularly important in the Tweed Shire area due to severe public transport constraints, high unemployment and the highest rate of homelessness in NSW.

7. To include the R1 General Residential zone objectives

To require higher standards of Ecological Sustainable Development and conservation style development for large developments.

8. The aims of the plan be amended as below:

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, to be consistent with local indigenous cultural values, the national and international significance of the Tweed Caldera, and advice from the United Nations and the International Panel on Climate Change.
  - (b) to encourage a sustainable, local economy and promote small business, employment, agricultural, affordable residential housing, recreational, arts, social, cultural and tourism opportunities appropriate to Tweed Shire.
  - (c) to ensure the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the built environment, and cultural heritage.
  - (d) to promote development that is consistent with the principles of ecologically sustainable development, ecological economics, and the imperative of urgent action on climate change.
  - (e) to promote healthy and resilient communities, and embrace the opportunities provided in transitioning to better building design, local food security, water conservation, public transport, energy efficiency and waste reduction.
  - (f) to ensure the responsible use of natural resources and the transition from fossil fuels to renewable energy.
  - (g) to conserve and enhance the biological diversity, scenic quality, agricultural capability, geological and ecological integrity of the Tweed.



- (h) to ensure the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect and enhance the environmental significance of that land.
  - (i) To conserve and enhance areas of high ecological values, and to protect conserve and manage enhance other areas that may reasonably be restored to high ecological values or wildlife corridors.
  - (j) To provide special protection and suitable habitat for the recovery of the Tweed coastal Koala, and to recover populations of other locally threatened species.
  - (k) To prevent development that could destroy, damage, pollute or otherwise have an adverse effect on those values.
  - (l) To promote social and ecological justice and animal welfare principles.
  - (m) To ensure high standards of community consultation and engagement.
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