



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

**Councillors:** G Bagnall (Deputy Mayor)  
C Byrne  
B Longland  
W Polglase  
P Youngblutt

# Minutes

## **Planning Committee Meeting Thursday 5 November 2015**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C**  
**79C Evaluation**

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979 ),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

**Note:** See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995 ), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

(2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
  - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
  - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

**Note:** The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
  - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
  - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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The Meeting commenced at 5.02pm.

### **IN ATTENDANCE**

Cr K Milne (Mayor), Cr G Bagnall (Deputy Mayor attended at 5.06pm), Cr C Byrne, Cr B Longland, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr Ian Kite (Manager Infrastructure Delivery) for Director Engineering, Mr Vince Connell (Director Planning and Regulation), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Ms Ann Mesic (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**

Nil.

### **DISCLOSURE OF INTEREST**

The **General Manager, Troy Green** declared a Pecuniary Interest in Item 4 [PR-PC] Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora - PUBLIC EXHIBITION and Item 7 [PR-PC] Housekeeping and Minor Policy Amendment LEP. The nature of the interest is that properties subject of these reports are adjacent to the property owned by the General Manager.

Mr Green will vacate the chambers during discussion and voting.

**Cr K Milne** declared a Non-Significant, Non-Pecuniary Interest in Item a10 [PR-PC] Kings Forest Concept Plan Modification (Council Reference GT1/51 Department's Reference MP06/0318 MOD 5) to Allow Food and Drink Premises Within the Mapped Employment Land Area of the Kings Forest Release Area. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Kings Forest development. Cr K Milne will manage the Interest by staying in the Chair and assessing the matter on merit alone.

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

Nil.

## SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

## REPORTS THROUGH THE GENERAL MANAGER

Nil.

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 [PR-PC] Development Application DA14/0384 for a 21 Lot Subdivision - Staged Development at Lot 1 DP 1077697 No. 768-770 Casuarina Way, Casuarina

**P 117**

**Cr C Byrne**  
**Cr W Polglase**

**RECOMMENDED** that Development Application DA14/0384 for a 21 lot subdivision - staged development at Lot 1 DP 1077697 No. 768-770 Casuarina Way, Casuarina be deemed to be operational pursuant to Section 100(4) of the Environmental Planning and Assessment Regulation, 2000 and the applicant be advised in writing that the deferred matters have been satisfied and the consent is now operational.

### AMENDMENT 1

**P 118**

**Cr K Milne**  
**Cr G Bagnall**

**PROPOSED** that Council defers this item to 3 December 2015 Planning Committee meeting in order to enable the applicant to provide details of an agreement, including detailed plans, with the owners of Lot 2 DP1077697 to address changes needed to accommodate revised driveway access with the proposed new adjoining road required for DA14/0384. The detailed plan/agreement should include provision for like for like standards for relocation of the driveway including but not limited to, removal of all unnecessary concrete, fully compensated landscaping, like for like wiring and associated works to the new gate, and the raising of the height of the existing fence on the eastern boundary of Lot 2 DP 1077697, to address privacy issues relating to the new road and driveway.

Amendment 1 was **Lost**

**FOR VOTE - Cr G Bagnall, Cr K Milne**

**AGAINST VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**

The Motion was **Carried** (Minute No P 117 refers).

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**  
**AGAINST VOTE - Cr G Bagnall, Cr K Milne**

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**2 [PR-PC] Development Application DA15/0742 for Conversion of Boathouse to a Combined Boathouse and Dwelling at Lot 602 DP 1098619 Point Break Circuit, Kingscliff**

**P 119**

**Cr C Byrne  
Cr P Youngblutt**

**RECOMMENDED** that Development Application DA15/0742 for conversion of a boathouse to a combined boathouse and dwelling at Lot 602 DP 1098619 Point Break Circuit, Kingscliff be refused for the following reasons:

1. The application fails to satisfy the principal aim of the Tweed Local Environmental Plan 2000 (Clause 4) which is to ensure “The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced.” The proposed development fails to adequately consider the sites' importance in regard to public amenity and foreshore access and would result in a development which does not respond to the existing character of the area.
2. The development as proposed is not considered to have adequate regard for the Ecologically Sustainable Development provisions as outlined in Clause 5 the Tweed Local Environmental Plan 2000.
3. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(i) - any environmental planning instrument. The proposal is not considered to be consistent with the objectives of the Tweed Local Environmental Plan 2000.
4. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(i) - any environmental planning instrument. The proposal is not considered to be consistent with State Environmental Planning Policy No. 71 - Coastal Protection.
5. The development as proposed does not satisfy Clause 8(1) of the Tweed Local Environmental Plan 2000 as the development does not satisfy the 2(f) Tourism zone objectives, and is considered to have an unacceptable impact in regards to public amenity and safety matters
6. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(v) - any coastal zone management plan namely the Tweed Coast Estuaries Management Plan 2012, given the adverse impact upon public access to the Cudgen Creek foreshore.
7. The development as proposed does not satisfy Clause 39A of the Tweed Local Environmental Plan 2000 in regards to bushfire protection. The development as proposed does not provide sufficient Asset Protection Zones upon the subject land to satisfy the Planning for Bushfire Protection Guidelines 2006.

8. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(e) - the public and has failed to adequately address the concerns raised in the public submissions received following public notification of the proposal.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**3 [PR-PC] Development Application DA15/0443 for a 2 Lot Subdivision at Lot 2 DP 528642 No. 221 Terranora Road, Banora Point**

**P 120**

**Cr W Polglase  
Cr K Milne**

**RECOMMENDED** that Development Application DA15/0443 for a 2 lot subdivision at Lot 2 DP 528642; No. 221 Terranora Road, Banora Point be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos TERRANORARD\_SUBPLN (Revision 2), prepared by PLANIT CONSULTING and dated 2/2015, except where varied by the conditions of this consent. [GEN0005]
2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application. [GEN0045]
3. The development is to be carried out in accordance with Councils Development Design and Construction Specifications. [GEN0265]
4. The approved subdivision/development shall not result in any clearing of native vegetation without prior approval from the relevant authority. [GEN0290]
5. This development consent does not include demolition of the existing structures on the subject site. A separate approval will need to be obtained for this purpose, as statutorily required. [GEN0305]
6. Any future dwelling on Lot B shall be located in accordance with the Preliminary Site Investigation Proposed Dwelling for Lot 2 DP 528642, 221 Terranora Road, Terranora prepared by HMC Environmental Consulting dated November 2014 (Report: HMC2014.139 CL) and Addendum for Preliminary Site Investigation - DA15/0443 - Proposed Dwelling - Lot 2 DP 528642, 221 Terranora Road, Terranora prepared by HMC Environmental Consulting Pty Ltd dated 1 July 2015. Proposed changes to this



location may require an additional contaminated land investigation of the subject site to the satisfaction of Council's General Manager or delegate.

[GENNS01]

7. The installation of an on-site sewage system to service a dwelling on Lot B shall be as described in the On-Site Sewage Management Design Report (HMC2014.139) dated June 2015 or to the satisfaction of the General Manager or Delegate.

[GENNS02]

8. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[GENNS03]

9. This development consent does not include earthworks on the site, other than trenching for services.

[GENNS04]

10. Any works undertaken onsite shall be undertaken in accordance with the provisions of Tweed Shire Council DCP Section A6 - Biting Midge and Mosquito Controls.

[GENNS05]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

11. Prior to the issue of a Civil Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Principle Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) Hours of work;
- b) Contact details of site manager;
- c) Traffic and pedestrian management;
- d) Noise and vibration management;
- e) Construction waste management;
- f) Erosion and sediment control; and,
- g) Flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Principle Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

[PCC0125]

12. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

13. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate for Subdivision Works. Safe public access shall be provided at all times.

[PCC0865]

14. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four copies of detailed engineering plans and specifications, prepared in accordance with Development Design Specification D13 - particularly Section D13.09. The detailed plans shall include but are not limited to the following:
- earthworks
  - roadworks/furnishings
  - stormwater drainage
  - water supply works
  - A new water service connection shall be provided for the new Lot (Lot B).
  - The Construction Certificate shall detail the location of the new water service and existing water service. New water connections shall be installed by Tweed Shire Council on live mains. The arrangements and costs associated with any adjustment / installation to water infrastructure shall be borne in full by the applicant/developer. The engineering plans shall demonstrate that the existing water service is fully contained within proposed Lot A.
  - sewerage works
  - landscaping works
  - sedimentation and erosion management plans
  - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

## **PRIOR TO COMMENCEMENT OF WORK**

15. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

16. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans. [PCW0015]
17. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
  - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
  - (c) WorkCover Regulations 2000
- [PCW0025]
18. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing. [PCW0225]
19. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. [PCW0255]
20. All imported fill material (trench backfilling) shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate. [PCW0375]
21. Subdivision work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:
    - (i) the consent authority, or
    - (ii) an accredited certifier, and

- (b) the person having the benefit of the development consent:
- (i) has appointed a principal certifying authority,
  - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
    - C4: Accredited Certifier - Stormwater management facilities construction compliance
    - C6: Accredited Certifier - Subdivision road and drainage construction complianceThe SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and
  - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
  - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

Note: For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with National Professional Engineers Register (NPER) registration.

[PCW0815]

22. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

23. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

24. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.

[PCW1105]

25. Any alteration to the existing on-site sewage management facilities must be approved to the satisfaction of the General Manager or his delegate.

[PCW1125]

## DURING CONSTRUCTION

26. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

[DUR0005]

27. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

28. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

29. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

30. All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

[DUR0795]

31. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
32. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
33. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
34. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
  - Dust during filling operations and also from construction vehicles.
  - Material removed from the site by wind.
- [DUR1005]
35. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1015]
36. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
37. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Water Reticulation, Sewer Reticulation, Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final Practical Inspection - on maintenance
- (i) Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

38. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

39. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

40. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

41. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

42. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for proposed Lot B, from the existing water main in Terranora Road. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

43. Dust and Erosion Management

(a) Site earthworks are to be limited to a 5ha maximum at any time to reduce exposed areas. Completed area's are to be topsoiled and seeded immediately to protect them from water and wind erosion.

(b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

- (c) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

## **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

44. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

45. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water to the development have been made with the Tweed Shire Council.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's contributions sheet and Certificate of Compliance signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP3: 1.2 ET @ \$13128 per ET \$15,753.60

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT**

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

46. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979, a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT**



These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

|    |  |            |
|----|--|------------|
| a. | Tweed Road Contribution Plan:<br>6.5 Trips @ \$2091 per Trips<br>(\$1,988 base rate + \$103 indexation)<br>S94 Plan No. 4<br>Sector5_4                                       | \$13,592   |
| b. | Open Space (Casual):<br>1 ET @ \$552 per ET<br>(\$502 base rate + \$50 indexation)<br>S94 Plan No. 5   | \$552      |
| c. | Open Space (Structured):<br>1 ET @ \$632 per ET<br>(\$575 base rate + \$57 indexation)<br>S94 Plan No. 5   | \$632      |
| d. | Shirewide Library Facilities:<br>1 ET @ \$851 per ET<br>(\$792 base rate + \$59 indexation)<br>S94 Plan No. 11   | \$851      |
| e. | Bus Shelters:<br>1 ET @ \$66 per ET<br>(\$60 base rate + \$6 indexation)<br>S94 Plan No. 12  | \$66       |
| f. | Eviron Cemetery:<br>1 ET @ \$124 per ET<br>(\$101 base rate + \$23 indexation)<br>S94 Plan No. 13  | \$124      |
| g. | Community Facilities (Tweed Coast - North)<br>1 ET @ \$1411 per ET<br>(\$1,305.60 base rate + \$105.40 indexation)<br>S94 Plan No. 15  | \$1,411    |
| h. | Extensions to Council Administration Offices<br>& Technical Support Facilities<br>1 ET @ \$1888.66 per ET<br>(\$1,759.90 base rate + \$128.76 indexation)<br>S94 Plan No. 18 | \$1,888.66 |

- i. Cycleways:  
1 ET @ \$480 per ET \$480  
(\$447 base rate + \$33 indexation)  
S94 Plan No. 22
- j. Regional Open Space (Casual)  
1 ET @ \$1108 per ET \$1,108  
(\$1,031 base rate + \$77 indexation)  
S94 Plan No. 26
- k. Regional Open Space (Structured):  
1 ET @ \$3890 per ET \$3,890  
(\$3,619 base rate + \$271 indexation)  
S94 Plan No. 26

[PSC0175]

47. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the (public infrastructure insert /delete as applicable) works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

48. Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

49. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

50. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;

- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

51. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

52. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- (c) A Restriction As To User requiring that all roofwater from houses, buildings or structures shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principle Certifying Authority.
- (d) Provide a Right of Carriageway over the existing driveway for access for proposed Lots A and B as depicted in Appendix A of the Statement of Environmental effects.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway / easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

53. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

54. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

55. In conjunction with the application for a Subdivision Certificate, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

- (a) Roads
- (b) Water Reticulation
- (c) Sewerage Reticulation
- (d) Sewerage Pump Station
- (e) Drainage
- (f) Bulk Earthworks
- (g) Retaining Walls

Note:

1. All compliance certificate applications for Subdivision Works must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

56. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

57. Prior to issuing a Subdivision Certificate, reticulated water supply reticulation shall be provided to the lot within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

58. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of the allotment has been completed.

[PSC1165]

59. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

60. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer is required (at the Developer's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services.

[PSC1205]

## **GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997**

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Planit Consulting, numbered TERRANORARD\_SUBPLAN (Revision 2), dated February 2015.
2. At the issue of subdivision certificate and in perpetuity the property around the existing dwelling, as indicated below, shall be maintained an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones':
  - North to the proposed property boundary;
  - East and southeast for a distance of 28 metres; and
  - West and southwest for a distance of 24 metres.
3. A 20,000L fire fighting water supply, complying with the requirements of 4.1.3 of 'Planning for Bush Fire Protection 2006' is to be provided to the existing dwelling
4. Any new or upgrading of existing electricity and/or gas services is to comply with 4.1.3 of 'Planning for Bush Fire Protection'.

5. Property Access roads shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection' except no alternate access is required in this instance.
6. The existing building on proposed Lot A is to be upgraded to improve ember protection. This is to be achieved by enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted within draft excluders.
7. General Advice

This approval is for the subdivision of the land only. Any further development application for class 1, 2 and 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP and A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**4 [PR-PC] Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora - PUBLIC EXHIBITION**

**DECLARATION OF INTEREST**

The **General Manager, Troy Green** declared a Pecuniary Interest in this item. The nature of the interest is that the property subject of this report is adjacent to the property owned by the General Manager.

Mr Green vacated the chambers during discussion and voting.

**P 121**

**Cr C Byrne  
Cr K Milne**

**RECOMMENDED** that:

1. Planning Proposal PP12/0001 No. 420-434 Terranora Road, Terranora be amended to remove Lots 6, 7 & 8 DP 28597 from the rezoning proposal, as the planning investigations to date have not been able to demonstrate that future residential development on these allotments will not have significant adverse impact on the existing views from Terranora Road.
2. Following removal of Lots 6, 7 & 8 DP 28597, the Planning Proposal be placed on exhibition for a period of not less than 28 days concurrent with the planning agreement.

3. The Draft Planning Agreement be placed on public exhibition concurrent with the Planning Proposal once agreement between Council and the Landowners is achieved.
4. Maximum dwelling height limitations for Lots 2, 3,4 & 5 DP 28597 as detailed in Table 1 of the report be included in the Planning Proposal prior to public exhibition; and
5. It is noted that the rezoning of the adjoining properties being: Lot1 DP28597,Lots 9,10 and 11 DP 28597, which are separately owned, is now scheduled to occur within a 'housekeeping' LEP and not as part of the planning proposal.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## **5 [PR-PC] Planning Proposal PP15/0006 River Retreat Caravan Park**

**P 122**

**Cr C Byrne**

**Cr K Milne**

**RECOMMENDED** that Council endorse:

1. A planning proposal pursuant to s.55 of the *Environmental Planning and Assessment Act 1979*, seeking to facilitate use of Part Lot 1 DP 100121 for “camping ground” associated with River Retreat Caravan Park be prepared and submitted for a Gateway Determination, as administered by the NSW Department of Planning & Environment;
2. The Minister for Planning or their Delegate be advised that Tweed Council is not seeking plan making delegations for the planning proposal;
3. The Minister for Planning or their Delegate be advised that the minimum exhibition period for this Planning Proposal should be 14 days;
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. That the planning proposal be publicly exhibited in accordance with the Gateway Determination; and
6. 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).
7. Council officers will work with the Proponent to secure a legally enforceable agreement that will have the effect of limiting both the number of sites and type of camping accommodation to RCV’s (Recreational Camper Vans) and Camper trailers.

8. Compliance action in relation to the alleged unlawful use of the land for camping ground purposes be ceased whilst the Proponent caravan and camping ground operator makes a genuine attempt to remedy the circumstances calling into effect that compliance action by obtaining all necessary statutory approvals, and only if the caravan and camping ground operator agrees in writing to:
- a. limit the number of camping ground sites to six (6);
  - b. restricts the use of these sites to times of over-flow demand;
  - c. permits only recreational camper vehicle (motorhome), caravan and camper trailer accommodation on these sites;
  - d. provides a copy of an appropriate flood warning and evacuation plan to the occupants of these sites at the time of arrival check-in, and
  - e. undertakes to not carry-out any works in association with the use of the land for camping ground purposes prior to and without all necessary approvals being obtained.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**6 [PR-PC] Combined Development Application and Planning Proposal for Expansion of the BP Highway Service Centre at Chinderah (southbound lane)**

**P 123**

**Cr P Youngblutt  
Cr W Polglase**

**PROPOSED** that Planning Proposal PP15/0001 (version 3), for Lot 1 DP 1127741 and Lot 2 DP 1010771, being *Tweed Local Environmental Plan 2014 Amendment No. 12*, be forwarded to NSW Planning and Environment requesting the making of the plan under s.59 of the *Environmental Planning and Assessment Act 1979*.

**AMENDMENT 1**

**P 124**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that this item be deferred to allow the objector to have their planning consultant address Council.

Amendment 1 was **Lost**

**FOR VOTE - Cr G Bagnall, Cr K Milne**

**AGAINST VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**



The Motion was **Lost** on the Casting Vote of the Mayor (Minute No P 123 refers).

**FOR VOTE -Cr W Polglase, Cr P Youngblutt, Cr B Longland**  
**AGAINST VOTE -Cr G Bagnall, Cr K Milne, Cr C Byrne**

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## 7 [PR-PC] Housekeeping and Minor Policy Amendment LEP

### DECLARATION OF INTEREST

The **General Manager, Troy Green** declared a Pecuniary Interest in this item. The nature of the interest is that properties subject of this report are adjacent to the property owned by the General Manager.

Mr Green vacated the chambers during discussion and voting.

### P 125

**Cr C Byrne**  
**Cr W Polglase**

**RECOMMENDED** that Council endorse:

1. The Planning Proposal for Housekeeping and Minor Policy Amendments to the Tweed Local Environmental Plan 2014 be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act;
2. The Minister for Planning and Environment or his Delegate be advised that Tweed Shire Council is not seeking plan making delegations for this planning proposal;
3. The Minister for Planning and Environment or his Delegate be advised that Council is seeking a public exhibition for a period of not less than 28 days;
4. On receipt of the Minister's Gateway Determination Notice to proceed, any 'conditional' requirements of the Minister and any other study or work are to be completed, and included within the public exhibition material;
5. Following receipt of the Gateway Determination the planning proposal be publicly exhibited in accordance with the Gateway Determination and a further report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s).

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**8 [PR-PC] Tweed Development Control Plan - Section B11 Seaside City**

**P 126**

**Cr B Longland  
Cr P Youngblutt**

**RECOMMENDED** that Council endorse:

1. The Tweed Development Control Plan Section A1 be revised to include Additional Site Specific Controls – Seaside City as per Table 1 of this report and be placed on public exhibition in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000 for a minimum period of 28 days; and
2. A post public exhibition report detailing public submissions and any proposed further amendments be prepared for a future Planning Committee meeting.
3. DA15/0079, DA15/0080, DA15/0081 and DA15/0082 all be determined under the Delegation of the General Manager after public exhibition of the DCP has occurred and Council has resolved to adopt the relevant section of the revised DCP.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**9 [PR-PC] Unauthorised Works at Lot 39 DP 755754 No. 790 Kyogle Road, Byangum**

**P 127**

**Cr P Youngblutt  
Cr C Byrne**

**PROPOSED** that Council, in respect of recent complaints regarding alleged unauthorised works and activity on the premises, known as Lot 39 DP 755754 No. 790 Kyogle Road, Byangum, does not take any further compliance action.

**AMENDMENT 1**

**P 128**

**Cr K Milne  
Cr G Bagnall**

**RECOMMENDED** that this item be deferred to the Council meeting of 19 November 2015 to allow the opportunity for a site inspection.

The Amendment 1 was **Carried** on the Casting Vote of the Mayor (Minute No P 128 refers).

***FOR VOTE - Cr B Longland, Cr G Bagnall, Cr K Milne  
AGAINST VOTE - Cr C Byrne, Cr W Polglase, Cr P Youngblutt***

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## **ADJOURNMENT OF MEETING**

The Mayor adjourned the meeting at 5.48pm and to resume at 6.00pm in accordance with Part 8.4 of the Code of Meeting Practice.

## **RESUMPTION OF MEETING**

The Meeting resumed at 6.00pm to discuss and vote on Item 9 [PR-CM] Unauthorised Works at Lot 39 DP 755754 No. 790 Kyogle Road, Byangum.

The Amendment 1 on becoming the Motion was **Carried** on the Casting Vote of the Mayor - (Minute No P 128 refers)

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

***AGAINST VOTE - Cr C Byrne, Cr W Polglase, Cr P Youngblutt***

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

**P 129**

**Cr C Byrne**

**Cr P Youngblutt**

**RECOMMENDED** that Council notes there are no variations for the month of October 2015 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **LATE ITEM**

**P 130**

**Cr C Byrne**

**Cr P Youngblutt**

**RECOMMENDED** that Item a10 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

***FOR VOTE - Unanimous***

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- a10 [PR-PC] Kings Forest Concept Plan Modification (Council Reference GT1/51 Department's Reference MP06/0318 MOD 5) to Allow Food and Drink Premises Within the Mapped Employment Land Area of the Kings Forest Release Area**

### **DECLARATION OF INTEREST**

**Cr K Milne** declared a Non-Significant, Non-Pecuniary Interest in this item. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Kings Forest development. Cr K Milne will manage the Interest by staying in the Chair and assessing the matter on merit alone.

### **P 131**

**Cr C Byrne**  
**Cr P Youngblutt**

**RECOMMENDED** that Council raises no objection to MOD 5 to the Kings Forest Concept Plan (Council Reference GT1/51 Department's Reference MP06/0318 MOD 5) to enable food and drink premises to be considered on merit as permissible land uses within the "employment land" areas of Kings Forest.

### **AMENDMENT 1**

### **P 132**

**Cr K Milne**  
**Cr G Bagnall**

**PROPOSED** Council raises objection to MOD 5 to the Kings Forest Concept Plan (Council Reference GT1/51 Department's Reference MP06/0318 MOD 5) to enable food and drink premises to be considered on merit as permissible land uses within the "employment land" areas of Kings Forest on the grounds of the following:

1. The proposal is not in accordance with Tweed DCP sB9.7.9 Protected Green Belt.
2. There is already a major outlet for this type of activity in relatively close proximity at the Chinderah BP.
3. These types of activities are usually visually obtrusive and should be contained in strategic locations to minimize the visual impact.
4. Existing business centres would be unfairly disadvantaged, and these types of facilities should be restricted to areas that require servicing of long distance travellers.
5. The imposition of one supermarket is not a sufficient reason to further erode long held scenic values that are so important to Tweed's natural character and the economic development of the Shire's tourism image.
6. The Casuarina supermarket has had a significant impact on the landscape and adding to this will likely lose the integrity of the Tweed Coast Road as a scenic route.

Amendment 1 was **Lost**

**FOR VOTE - Cr G Bagnall, Cr K Milne**

**AGAINST VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**

The Motion was **Carried** (Minute No. P 131 refers).

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr G Bagnall, Cr K Milne**

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There being no further business the Planning Committee Meeting terminated at 6.13pm.

