



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes (Deputy Mayor)
C Cherry
R Cooper
J Owen
W Polglase

Minutes

Planning Committee Meeting Thursday 5 April 2018

held at
Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah
commencing at 5.30pm

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The Meeting commenced at 5.30pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Pryce Allsop, Cr Chris Cherry, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Manager Recreation Services for Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer) and Mrs Maree Morgan (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 Father Anthony Lemon from Sacred Heart Parish, Murwillumbah.

"Lord, make us a channel of thy peace - that where there is hatred, we may bring love - that where there is wrong, we may bring the spirit of forgiveness - that where there is discord, we may bring harmony - that where there is error, we may bring truth - that where there is doubt, we may bring faith - that where there is despair, we may bring light - that where there is sadness, we may bring joy."

Lord, grant that we may seek rather to comfort than to be comforted - to understand, than to be understood - to serve, than to be served. For it is by self-forgetting that one finds. It is by forgiving that one is forgiven. Amen."

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

ORDERS OF THE DAY

1 [NOM] Short Term Holiday Letting

P 9

Cr W Polglase
Cr P Allsop

RECOMMENDED that Council defers taking any widespread action against any unauthorised or non-compliant short term holiday let (STHL) uses, until the release of new, anticipated State Government STHL legislative and planning policy controls, except in those circumstances where it can be demonstrated that such uses are having an unreasonable impact on the amenity of adjoining or surrounding neighbours as determined by Council.

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr R Cooper, Cr K Milne, Cr J Owen, Cr W Polglase, Cr P Allsop

AGAINST VOTE - Cr C Cherry

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

2 [PR-PC] Development Application DA17/0524 for the Use of Existing Building as a Roadside Stall at Lot 101 DP 755702 No. 839 Kyogle Road, Byangum

P 10

Cr P Allsop
Cr J Owen

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 24 of the Tweed Local Environmental Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
- B. That Development Application DA17/0524 for the use of existing building as a roadside stall at Lot 101 DP 755702 No. 839 Kyogle Road, Byangum be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - Plan Showing Location of Fruit Stall (Revision D) prepared by Landsurv Pty Ltd and dated 15 January 2018;
 - Part Site Plan & Site Analysis (Drawing No. 2066C Sheet 1) prepared by Parameter Designs and dated 24 July 2017;
 - Plans & Elevations (Drawing No. 2066C Sheet 2) prepared by Parameter Designs and dated 24 July 2017; and
 - Section & Footing Detail (Drawing No. 2066C Sheet 3) prepared by Parameter Designs and dated 24 July 2017,

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. Car parking for the roadside stall is to be in accordance with plan titled 'Part site plan and site analysis' prepared by Parameter Designs dated 24 July 2017.

[GENNS01]

4. A building certificate is to be obtained for the road side stall within 30 days from the issue of this consent. The front awning is to be cut back to a maximum cantilever of 0.6m as indicated on the approved plans prior to the issue of the building certificate.

5. The structure is to be modified so as to only operate to a maximum 20m² area and can therefore be characterised as a roadside stall. An updated plan is to be submitted to Council for the approval of General Manager or delegate identifying how the structure is to be made compliant with the roadside stall definition.

Rural Fire Service Condition

6. The proposed development is to comply with the plan titled 'Part Site Plan & Site Analysis', prepared by Parameter Designs, reference 2066C and dated 24 July 2017, except where modified by conditions of this approval.

[GENNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

7. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

8. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

9. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

10. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

11. Prior to the issue of an occupation certificate a building certificate is to be obtained in respect of the road side stall.

12. Prior to the issue of an occupation certificate the structure is to be modified so as to ensure the roadside stall use only operates to a maximum 20m² area.

[POCNS01]

USE

13. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

14. Hours of operation of the business are restricted to the following hours:

* 7:00am to 6:00pm

[USE0185]

15. No intensification of food for sale beyond the provision of whole primary produced food products produced on the subject property is permitted without the approval of the General Manager or his delegate. Food preparation for the purposes of sale is not permitted at the roadside stall. Food preparation includes the cutting-and-wrapping of foods.

[USE0855]

16. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

17. In the event of an impending flood, if safe to do so, all stock and equipment should be moved to higher ground on the eastern side of Kyogle Road.

18. Stormwater collected from the roof of any structure shall not be directed towards a watercourse. Discharge of piped stormwater has the potential to cause scouring, which may result in sedimentation and bank instability.

[USENS01]

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen, Cr W Polglase

AGAINST VOTE - Cr P Allsop

- 3 [PR-PC] Development Application D91/0266.01 for an Amendment to Development Consent D91/0266 for the Erection of a Three Storey Mixed Development Comprising Seven Shops and Five Flats With Associated Car Parking at Lot 3 SP 64511 No. 3/31-33 Tweed Coast R**

This item was withdrawn both through verbal and written advice provided by the Applicant at the preceding Planning Committee Access Session.

- 4 [PR-PC] Planning Proposal PP18/0001 for Minor Zoning Amendments to Various Public Land Parcels and a Site-Specific Amendment to Lot 14 and 22 DP 821933 No. 224 Carool Road, Carool**

P 11

Cr P Allsop

Cr J Owen

RECOMMENDED that:

1. The Local Environmental Plan amendments detailed in this report are endorsed;
2. The planning proposal once finalised is to be referred to the NSW Department of Planning & Environment for a Gateway Determination, in accordance with s3.34 of the *Environmental Planning & Assessment Act 1979*;
3. On receipt of the Minister's Gateway Determination Notice to continue all, if any, Gateway conditions or other identified study or work is to be duly completed and included within the material for public exhibition;
4. Public exhibition is to occur for a period not less than 28 days;
5. Submissions received during public exhibition are to be reported to Council at the earliest time and detailing the issues raised and a recommended planning response.

The Motion was **Carried**

FOR VOTE - Unanimous

5 [PR-PC] Submission to the Public Exhibition of the Hotel Major Development Plan for the Gold Coast Airport

P 12

**Cr J Owen
Cr P Allsop**

RECOMMENDED that:

1. The attached submission on the public exhibition of the Gold Coast Airport draft Hotel Major Development Plan is endorsed; and
2. The endorsed submission be submitted to the Gold Coast Airport Limited as Tweed Shire Council's reply prior to the closing date of 4 May 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

6 [PR-PC] Information from NSW Fire and Rescue

P 13

**Cr P Allsop
Cr R Cooper**

RECOMMENDED that the reports received from Fire & Rescue (NSW BFS16/1986 (0082) Anchorage Island) and STN/00468F-2 Storz Hose Connections) be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

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

P 14

**Cr C Cherry
Cr R Byrnes**

RECOMMENDED that Council notes there are no variations for the month of March 2018 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

ADDENDUM ITEMS

Nil.

LATE ITEMS

Nil.

CONFIDENTIAL COMMITTEE

Nil.

There being no further business the Planning Committee Meeting terminated at 6.18PM.



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