



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

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

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Thursday 16 May 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 4.45pm

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.

The Meeting commenced at 4.45pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (Acting General Manager), Mr Michael Chorlton (Acting Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr C Byrne declared a non-significant, non-pecuniary interest in Item 32 [PR-CM] Development Application DA12/0498 for the Demolition of Existing Dwelling and Construction of a Three-Storey Dwelling at Lot 1 DP 214686 No. 4 Marine Parade, Kingscliff. The nature of the interest is that Cr C Byrne is a neighbour.

Cr M Armstrong declared a non-significant, non-pecuniary interest in Item 29 [PR-CM] Electoral Signage. The nature of the interest is that the item relates to Cr M Armstrong's employment.

Cr G Bagnall declared a non-significant, non-pecuniary interest in Item 37 [CNR-CM] EQ2013-060 Operation of the Café at Tweed River Art Gallery. The nature of the interest is that Cr G Bagnall has had business dealings with affected parties.

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

25 [PR-CM] Draft Local Environmental Plan (LEP) 2012

Note: An amended Figure 3 map - refer page 76 (after proposed amendments) was distributed as part of the agenda, as the map contained within the agenda was not complete.

1

Cr K Milne

Cr G Bagnall

PROPOSED that this item be deferred to the next Council meeting.

AMENDMENT 1

2

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that draft Tweed Local Environmental Plan 2012 is endorsed subject to the amendments recommended under Part 3 of this Report, without amendments to include riparian clause and environmental zones on the Tweed Coast (proposed under recommendations No 29 and No 52a); and:

1. 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
2. That a draft local environmental plan (planning proposal) be prepared to bring about a greater level of protection for Koala Core Habitat, in accordance with State Environmental Planning Policy No.44 Koala Habitat Protection; and
3. Following the completion of the State Government's review of the Environmental Zones (E2, E3 & E4) and Overlays under the Standard Instrument (Local Environmental Plans) Order 2006, for the Far North Coast Region, a report detailing the process and strategy for Council to implement its broader environmental strategies be brought forward.

Amendment 1 was **Lost**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AMENDMENT 2

3

**Cr B Longland
Cr W Polglase**

RESOLVED 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.

Amendment 2 was **Carried**

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

Amendment 2 on becoming the Motion was **Carried** - (Minute No 289 refers)

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

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

4

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council notes the April 2013 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

27 [PR-CM] Planning Reform Unit Works Program 2013

5

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. Council approves the Planning Reform Unit's Work Program 2013/2016 identified as Tables 2-4 in this report.

2. Council approves Recommendation 1 - *Planning Proposal PP10/0006 225 Terranora Road* within the report relating to the reprogramming of projects.
3. Council approves Recommendation 2 - *Planning Proposal PP10/0004 Enterprise Avenue* and Recommendation 3 - *Planning Proposals PP10/0002 & PP10/0005* within the report and the proponent(s) of the projects detailed are, on request, to provide to the Coordinator Planning Reform a sufficiently detailed schedule demonstrating a commitment to progress the project(s) through to completion within an agreed timeframe and a failure to comply within a reasonable time or to show adequate commitment to the completion of the project(s) will terminate Council's resourcing of the project(s).
4. A mid-year Work Program review and update be reported to Council no later than February 2014.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

28 [PR-CM] Update on Development Assessment and Monitoring of Camphor Laurel Harvesting Activities in the Tweed Shire

6

**Cr M Armstrong
Cr W Polglase**

RESOLVED that the report on Update on Development Assessment and Monitoring of Camphor Laurel Harvesting Activities in the Tweed Shire be received and noted.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

29 [PR-CM] Electoral Signage

Cr M Armstrong has temporarily left the meeting due to a non-significant, non-pecuniary Conflict of Interest at 07:58 PM. The nature of the interest is that the item relates to Cr M Armstrong's employment.

7

**Cr B Longland
Cr G Bagnall**

PROPOSED that:

1. No signs allowed in Council's road reserves, either freestanding pole signs, or those affixed to trees or street furniture.
2. Signs will be permitted (a maximum of one sign per property) without Council development consent on a temporary basis, provided that they are no greater in area than 8,000 square centimetres, are located on private property, are non-illuminated or flashing, and are erected within 28 days before, and removed 14 days after the day of a Federal, State or Local Government Election.
3. All other promotional activities of candidates on Council controlled land are to comply with the Parliamentary Electorate and Election Act 1912.
4. Any signs that do not comply with the above rules will be impounded by Council officers and will be the subject of a Council fee for retrieval.

AMENDMENT

8

Cr C Byrne
Cr W Polglase

RESOLVED that:

1. The two instances of electoral signage noted in this report are unauthorised and require removal until such time that development consent is obtained. The owners of the gates and shop are to be advised accordingly.
2. Communication is to be developed in order to highlight all statutory requirements in relation to signage for all upcoming elections.
3. No signs allowed in Council's road reserves, either freestanding pole signs, or those affixed to trees or street furniture.
4. Signs will be permitted (a maximum of one sign per property) without Council development consent on a temporary basis, provided that they are no greater in area than 8,000 square centimetres, are located on private property, are non-illuminated or flashing, and are erected within 28 days before, and removed 14 days after the day of a Federal, State or Local Government Election.
5. All other promotional activities of candidates on Council controlled land are to comply with the Parliamentary Electorate and Election Act 1912.
6. Any signs that do not comply with the above rules will be impounded by Council officers and will be the subject of a Council fee for retrieval.

The Amendment was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

The Amendment on becoming the Motion was **Carried** - (Minute No 294 refers)

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

Cr M Armstrong has returned from temporary absence at 08:15 PM

30 [PR-CM] PP11/0002 Pottsville Employment Land - Change of Ownership and Proposed Use

9

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council proceeds with amendment of Planning Proposal PP11/0002 Pottsville Employment Land (Lot 12 DP 1015369) No. 39 Kudgerie Avenue, Cudgera Creek for the purpose of a business park development and environmental protection subject to entry into appropriate Costs and Expenses Agreement, Contract for Services, and Voluntary Planning Agreement with the proponent, and in accordance with previous resolutions of Council.

AMENDMENT

10

Cr K Milne
Cr G Bagnall

PROPOSED that this item be deferred to the next Council meeting to allow for a workshop.

The Amendment was **Lost**

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

The Motion was **Carried** (Minute No 295 refers)

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

31 [PR-CM] Development Application DA12/0605 for a Two Lot Subdivision at Lot 1 DP 775668 No. 217 McAllisters Road, Bilambil Heights

11

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council grant in-principle support for the proposal, and that officers bring back a further report to Council with possible conditions of development consent.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr B Longland

32 [PR-CM] Development Application DA12/0498 for the Demolition of Existing Dwelling and Construction of a Three-Storey Dwelling at Lot 1 DP 214686 No. 4 Marine Parade, Kingscliff

Cr C Byrne has temporarily left the meeting due to a non-significant, non-pecuniary Conflict of Interest at 08:35 PM. The nature of the interest is that Cr C Byrne is a neighbour.

12

**Cr W Polglase
Cr M Armstrong**

RESOLVED that this matter be deferred to the June Council meeting, at the request of the applicant.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne

AGAINST VOTE - Cr G Bagnall, Cr B Longland

ABSENT. DID NOT VOTE - Cr C Byrne

Cr C Byrne has returned from temporary absence at 08:39 PM

33 [PR-CM] Development Application DA13/0065 for Dwelling Additions Including Creation of Second Storey and Detached Double Garage with Carport with SEPP No.1 Objection at Lot 3 DP 712922; No. 13 Dalton Street, Terranora

13

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 24 of Tweed Local Environmental Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA13/0065 for construction of a first floor addition and roofed verandahs to an existing dwelling house and detached double garage with carport at Lot 3 DP 712922 No. 13 Dalton Crescent, Terranora 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 4625- cover sheet & sheets 4-10 & 17 prepared by Stuart Osman Building Designs and dated 26/03/13, 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. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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]
5. The footings to the dwelling additions and floor slab to the garage/carport are to be designed by a practising Structural Engineer and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
[PCC0945]
6. A construction certificate application for works that involve any of the following:
 - connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control workswill not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.
 - a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
 - b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be

incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

7. Prior to the issue of a construction certificate for the dwelling house additions the Principal Certifying Authority shall be provided with written confirmation from a practising Structural Engineer that the existing dwelling house is structurally adequate to support the proposed first floor additions.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

8. 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]

9. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

10. 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]

11. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

12. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

13. 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]

14. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

15. 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]

16. 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]

17. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

19. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

20. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

21. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

22. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

23. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

24. 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]

25. No portion of the structure may be erected over the existing easements along the eastern property boundary.

[DUR1945]

26. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

27. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) Internal drainage, prior to slab preparation;
- (b) Water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) External drainage prior to backfilling.
- (d) Completion of work and prior to occupation of the building.

[DUR2485]

28. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

29. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

30. 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]

31. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

32. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

33. Prior to the issue of an occupation certificate the existing dwelling shall be provided with smoke detectors in accordance with the provisions of part 3.7.2 of the Building Code of Australia and which comply with the provisions of Australian Standard AS 3786.

[POCNS01]

USE

34. The garage is not to be used for any habitable, commercial or industrial purpose without prior approval of Council.

[USE0455]

AMENDMENT

14

**Cr K Milne
Cr G Bagnall**

RESOLVED that this item be deferred to seek amended plans to require the carport being relocated with respect to the setback conditions.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 300 refers)

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

34 [PR-CM] Development Application DA12/0527 for Internal Alterations and Additions Comprising a New General Store, Extension of Entrance and Carpark Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West

15

**Cr M Armstrong
Cr K Milne**

RESOLVED that Development Application DA12/0527 for internal alterations and additions comprising of a new general store, extension of entrance and car park reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West be refused for the following reasons:

1. The development is not considered to be consistent with Clause 4 - The aims of the Tweed Local Environmental Plan 2000 and the Strategic Planning documents that support the Local Environmental Plan.
2. The development is not considered to satisfy Clause 8(1)(a) – Consent Considerations of the Tweed Local Environmental Plan 2000 as the primary objective of the 6(b) Recreation Zone has not been met.
3. The development is not considered to satisfy Clause 8(1)(c) – Consent Considerations of the Tweed Local Environmental Plan 2000 as the development would have an unacceptable cumulative impact on the community, locality and catchment.
4. The development is not considered to satisfy Clause 17 of the Tweed Local Environmental Plan 2000 as the application has not adequately demonstrated that the development won't have an unacceptable social or economic impact on the locality.
5. The development is not considered to comply with Council's adopted Retail Strategy.
6. The development is not considered acceptable having regard to Draft LEP 2012 as the proposed development would be prohibited in the zone and fails to satisfy the zone objectives of the RE2 Private Recreation zone.
7. The development is not considered acceptable having regard to the general public interest and the impact the proposed development would have on the existing commercial zones in the locality.

The Motion was **Carried**

FOR VOTE - Unanimous

