

# Planning Committee Meeting

Thursday, 1 September 2022 at 3:30 PM

Harvard Room,  
Tweed Heads Administration Building, Brett Street,  
Tweed Heads

Meeting is being held remotely via Livestream

## UNCONFIRMED MINUTES

### 1. IN ATTENDANCE

The meeting commenced at 3.36 pm.

Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen and Cr Warren Polglase.

Also present were Mr Troy Green (General Manager - attended virtually), Mr Warren Van Wyk (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Sustainable Communities and Environment), Mr Shane Davidson (Executive Officer) and Miss Ann Mesic (Minutes Secretary).

### 2. 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 custodians of these lands."*

### 3. PRAYER

The meeting opened with a Prayer read by Pastor Chris Jenkins:

*"Dear Father,*

*We thank You for the many blessings that You pour upon us moment by moment.*

*Your steadfast love never ceases; Your mercies never come to an end; they are new every morning and great is your faithfulness.*

*Father, I thank you for our councillors:*

*Chris Cherry*

*Reece Byrnes*

*James Owen*

*Meredith Dennis*

*Rhiannon Brinsmead*

*Warren Polglase*

*Nola Firth*

*And our Director: Troy Green*

*I pray for Your blessings upon them... that they make wise and straight decisions which are in the best interest for the people of the Tweed Shire. May You also bless them with good health, clarity of mind & watch over their families & loved ones.*

*Father, as this meeting proceeds, may we trust in You with all our heart, and do not lean on our own understanding... but in all our ways acknowledge You, and You will make our paths straight. May Your face shine upon us with favour, and be gracious to us, surrounding us with Your loving-kindness.*

*So, Father, continue to help and guide all of us, our Mayor, our Councillors, the People of the Tweed & beyond, to live and practice the values we know to be true.*

*That our Tweed community is even better tomorrow than it is today.*

*I pray in Jesus Name:*

*Amen."*

**4. APOLOGIES**

Nil.

**5. DISCLOSURE OF INTERESTS**

Nil.

**6. ITEMS BY EXCEPTION**

Nil.

**7. REPORTS THROUGH THE GENERAL MANAGER**

## 8. REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 8.1. Development Application DA21/0884 for an artisan food and drink industry including craft brewery, retail area and restaurant at Lot 3 DP 800252 No. 80-82 Industry Drive Tweed Heads South

#### ALTERNATE MOTION

**Cr Chris Cherry (Mayor)**  
**Cr Warren Polglase**

**RECOMMENDED** that Development Application DA21/0884 for an artisan food and drink industry including craft brewery, retail area and restaurant at Lot 3 DP 800252 No. 80-82 Industry Drive, Tweed Heads South be approved subject to the conditions referenced in attachment 4 to the report for this item and the following amendments as follows:

1. Amend condition 60 to read as follows:
  60. Food services and the consumption of food and drinks are to be restricted to the following area only, as identified in the approved plans:
    - a. Brewery seating on the ground floor
    - b. The balcony on the mezzanine level
2. The reference to the red dotted and clouded areas be removed from the approved plans.
3. Amend condition 62 to read as follows:
  62. The use of the area identified as 'Lounge/tours/workshops' within the mezzanine level (with the exception of the area identified as 'Balcony') is not to include food services and the consumption of food and drinks.
4. Delete condition 61.
5. Delete condition 16.
6. Delete condition 54.
7. Amend condition 65 to read as follows:

"Only drink products manufactured on site may be sold and/or consumed on the premise or as permitted by a Special Drink on Premises Authorisation for micro-breweries and small distilleries as approved by Liquor and Gaming NSW."
8. Amend Condition 5 to read as follows:
  5. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

A Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	181.15 trips @ \$1,606.00 per trip (\$1,318.00 base rate + \$288.00 indexation)	\$174,556.00
	(\$116371 has been subtracted from this total as this development is deemed an "Employment Generating Development") CP04 Road Contributions (2-Tweed South)	

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

These charges include indexation provided for in the Section 7.11 Contribution Plan and 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 7.11 Contribution Plan current at the time of the payment.

**NOTE: All Section 7.11 Contribution payments are non-refundable.**

### **SUSPENSION OF STANDING ORDERS**

**Cr Chris Cherry (Mayor)**  
**Cr Reece Byrnes (Deputy Mayor)**

**RECOMMENDED** that Standing Orders be suspended to discuss this item.

The Motion was **Carried**

**VOTE FOR** - *Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen, Cr Warren Polglase*

**VOTE AGAINST** – *None*

**ABSENT. DID NOT VOTE** – *None*

### **ADJOURNMENT OF MEETING**

Adjournment at 3.50 pm.

### **RESUMPTION OF MEETING**

The Meeting resumed at 4.25pm

### **RESUMPTION OF STANDING ORDERS**

**Cr Chris Cherry (Mayor)**

**Cr Reece Byrnes (Deputy Mayor)**

**RECOMMENDED** that Standing Orders be resumed.

The Motion was **Carried**

**VOTE FOR** - Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen, Cr Warren Polglase

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - None

The Motion was **Carried**

**VOTE FOR** - Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen, Cr Warren Polglase

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - None

**8.2. Housekeeping planning proposal is to amend schedule 2 Exempt Development of the TCCLEP 2012 to include Events on Council land as a form of exempt development**

**Cr Chris Cherry (Mayor)**

**Cr James Owen**

**RECOMMENDED** that Council endorse the following:

1. A planning proposal be prepared to add Events on Council land to schedule 2 Exempt development of Tweed City Centre Local Environmental Plan 2012;
2. The planning proposal be submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s3.4 of the Environmental Planning and Assessment Act 1979;
3. Upon receipt of a Gateway determination to proceed, that any additional requirements be completed prior to public exhibition; and
4. Following public exhibition, a further report be brought back to Council with a response to submissions received, and a recommendation.

The Motion was **Carried**

**VOTE FOR** - Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen, Cr Warren Polglase

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - None

**8.3. Draft North Coast Regional Plan 2041 on Exhibition - Tweed Shire Council Submission**

## ALTERNATE MOTION

**Cr Chris Cherry (Mayor)**

**Cr Nola Firth**

**RECOMMENDED** that in relation to lodgement of a submission on the exhibited draft North Coast Regional Plan 2041, Council:

- Adopts the attached officer-level submission as representing the response of Council, with an addendum submission which includes the following and forwards the completed submission to the Department of Planning and Environment:

Feedback:

- P.5 The first sentence of the Foreword to include 'internationally significant environment' instead of 'stunning'
- P.13 In Actions: point 5 add in 'environmental care and restoration'.
- P.13 List of Actions needs to include " Increase delivery of social housing to the 4% state average", should come in on p26 and delivery of affordable housing for key workers should also be included on p25
- P.13 List of collaborations, the light rail collaboration needs to be amended to " light rail or dedicated electric bus corridor" also on page 54 and 67 in collaboration activity 5. This is in light of light rail average transport speed of 19-21 km/hr, also p83 substitute the word "transport" for "rail " in the things that regional cities provide to include electric bus network
- P.14 Para1 add in 'biodiverse' in addition to 'spectacular'.
- P.14 Need protection of internationally significant biodiversity in the vision, it is objective 3 but not mentioned in the Vision
- P.26 Include action to make legislative changes that ensure caravan park legislation provides affordable housing, not pseudo subdivisions of traditional housing
- P.29 Strategy 3.1. Add in an additional point: Prioritising restoration, including pest and weed eradication, on high environmental value land (HEV).
- P.37 Strategy 5.4.  
  
Point 1- query as to why forest products are specifically listed as resilient and sustainable when they are fire hazard. Use of mud brick would be better?  
  
Point 2. Insert 'Plantation' after Sustainable. (*ie no more forestry from native forests!*)
- P.40 Exclude wood and contaminated waste from Biowaste. Wood is precious and small pieces of so called waste need to be used as engineered wood for flooring etc. Contaminated urban waste burning causes serious air pollution problems.

- P.42 Remove reference to wood pellets from native trees (re Grafton trial p. 42). Native trees are needed for habitat and carbon storage and should not be thought (re circular economy) as waste. See also the point above.
- P.47 The 2036 Plan acknowledges the value of smaller parcels of agricultural land for boutique local production, we need to retain 3 levels of significance for farmland rather than the opaque “important” farmland, with its non-searchable mapping.
- P.53 Talk of forestry should mention protection of biodiversity and habitat and particularly protection of old growth forests
- P.57 Under key challenges created by tourism, list impact on housing availability and affordability through STRA
- P.61 Empowerment of LALC's should include an action to enable LALC's to provide housing for Aboriginal communities on LALC lands
- P.70 Strategy 16.1 re active transport should include that all new residential developments have mandatory connected bike paths and pedestrian pathway networks to facilitate active transport, maybe include Action to ensure region wide delivery climate change: Tweed Valley has been identified as one of the top 5 most vulnerable regions in Australia in terms of economic cost in a high emissions climate change scenario by Deloitte access Economics in 2022, we need this to be front and centre.
- P.90 Include a point 10: Increased resources for environmental protection and restoration.

P.135 Regional Priorities.

Point 1 Add in after LGA ‘in a way that protects our internationally significant environment’

Add in a new point: Continue to promote the region as an area of clean, green food bowl that utilises regenerative agriculture.

Point 3. Add ‘environmentally sustainable’ before ‘nature based’.

- P.135 In support of suggestions 83 and 84 from the staff submission it is suggested to provide the Tweed Narrative that is consistent with our Community Strategic Plan and LSPS rather than simply telling them that it is not.

Replace Tweed Narrative on p135 with the below:

**Regional Priorities**

Facilitate delivery of a diverse mix of affordable housing in existing residential zoned land

Deliver social housing to a minimum level of the state average

Coordinate delivery of natural disaster resilience measures including Voluntary House purchase, voluntary house raising, land swaps and flood resilient build-backs

Ensure protection of world-heritage and internationally significant natural environment

Facilitate productive use of agricultural lands to encourage a thriving agricultural sector

### **Liveable and Resilient**

Ensure all new residential development has a clear and connected dedicated bike/pedestrian network

Increase shade canopy in Urban areas to combat future urban heat health impacts

Review planning legislation to ensure future development is climate change resistant and resilient

Support local and regional net-zero emissions and circular economy initiatives

Facilitate renewable energy production in regional areas (excluding energy from wood burning and waste)

### **Productive and Connected**

Facilitate transport corridors for energy efficient transport eg electric bus dedicated corridor for fast public transport

Ensure M1 is flood free and not contributing to flood flow impediments

Remove impediments to Cross Border economic trade and service provision

### **Housing and Place**

Deliver a diverse range of housing options that facilitates planned growth

Increase provision of homelessness services and crisis accommodation

Introduce levers to get existing residential zoned land to market to improve delivery of housing in a strategic and coordinated way that matches provision of infrastructure

Protect unique character and sense of place in existing towns and villages

Facilitate Open Space improvements in urban centres to improve quality of life

Ensure green belts continue to be maintained in the Coastal strip to ensure character and fragile ecosystems are protected.

### **Smart, Connected and Accessible (Infrastructure)**



- Foster stronger alignment and integration with the Southern Gateway Economic Cluster in South East Queensland and the Northern Rivers subregion.
- Collaborate with South East Queensland on the Gold Coast Airport precinct masterplan.
- Identify barriers to economic growth and essential infrastructure delivery between South East Queensland and Northern NSW.

and

- That the Department of Planning and Environment be requested to provide a response to the final submission.

The Motion was **Carried**

**VOTE FOR** - Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen, Cr Warren Polglase

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - None

#### **8.4. Employment Zones Reform - Status Update**

**Cr Chris Cherry (Mayor)**  
**Cr Rhiannon Brinsmead**

**RECOMMENDED** that Council defer for a workshop and a report be brought back to the Council meeting of 15 September 2022.

The Motion was **Carried**

**VOTE FOR** - Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr James Owen, Cr Warren Polglase

**VOTE AGAINST** - None

**ABSENT. DID NOT VOTE** - None

#### **9. ADDENDUM ITEMS**

Nil.

#### **10. LATE REPORTS**

Nil.

#### **11. CLOSE OF MEETING**

There being no further business the meeting closed at 4.50 PM.