



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

Councillors: B Longland (Deputy Mayor)
D Holdom
K Milne
W Polglase
J van Lieshout
P Youngblutt

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Tuesday 16 November 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 3.45pm

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.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

6 [PR-CM] Development Application DA10/0451 for a Two (2) Lot Subdivision at Lot 2 DP 562104, No. 42-44 Terrace Street, Chinderah

746

Cr D Holdom
Cr B Longland

RESOLVED that Development Application DA10/0451 for a two (2) lot subdivision at Lot 2 DP 562104, No. 42-44 Terrace Street Chinderah 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 18035 D Rev. A prepared by B & P Surveys and dated 25/01/10, except where varied by the conditions of this consent.
[GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.
[GEN0125]
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]
4. Council advises that the land is subject to inundation in a 1 in 100 year event to the Design Flood Level of 3.2m AHD.
[GEN0195]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.
The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.
The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.
[PCC0275]
7. 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]

8. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

9. Prior to the issue of a Construction Certificate for civil works to be dedicated to Council, the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/furnishings
 - The extension of Walsh Street, including a sealed pavement of 6.0m width with barrier kerb for the subject sites side of Walsh Street, of its full frontage, on an alignment approved by Tweed Shire Council.
 - Access shall be provided to the proposed allotments in accordance with Council standards including:
 - a) The proposed Right of Carriageway shall be upgraded to a 3.6m wide, 150mm thick gravel pavement and 2 coat seal from Walsh Street to the property boundary of Proposed Lot 2.
 - stormwater drainage
 - Roofwater from the existing dwelling on proposed Lot 3 shall discharge into the new kerb and gutter in Walsh Street, where physically achievable.
 - water supply works
 - The existing dwellings must be serviced by separate water meters, with the water service for proposed Lot 2 to be provided along that allotments frontage to Walsh Street. Any interconnection of water pipes between the two properties must be removed.
 - sewerage works
 - The septic systems servicing the existing dwellings must be decommissioned and replaced with individual, private pump stations.
 - All pressure mains shall be located with the road reserve. The Developer shall provide a Boundary Kit for connection for each lot to be serviced by the pressure sewer within each associated lot, in

accordance with Council's standard specifications and drawings. The location of connection or the pressure main to sewerage shall be determined in consultation with Council during preparation of the engineering design plans so as to minimise the length of rising main so as to reduce any potential odour and septicity issues.

- The associated pressure mains will become the responsibility of Council. The mains must be sized so as to permit neighbouring properties to the north to be connected in the future.
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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]

10. Permanent stormwater quality treatment shall be provided in accordance with Councils *Development Design Specification D7 - Stormwater Quality*.

[PCC1105]

11. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 – Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated 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".

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

12. 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]

13. Civil work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the civil 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) 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 compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, 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.

[PCW0815]

14. 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]

15. 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 to the satisfaction of the Principal Certifying Authority.

[PCW0985]

DURING CONSTRUCTION

16. 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]

17. 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]

18. 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]
19. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
20. 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]
21. 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.
- [DUR0995]
22. 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]
23. 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]
24. 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]

25. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

26. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

27. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

28. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

29. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

30. Any damage caused to public infrastructure (roads, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate.

[DUR1875]

31. 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:-

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Final inspections - on maintenance
- (h) Off Maintenance inspection

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 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".

[DUR1895]

32. 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]

33. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

34. Any required stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO RIVER' or similar wording in accordance with Council's Development Design and Construction Specifications.

[DUR2355]

35. 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]

36. 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]

37. All waters that are to be discharged from the site or works shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l.

[DUR2435]

38. All works shall comply with the Erosion and Sediment Control Plan, Cozens Regan Williams Prove June 2010.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

39. 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]

40. 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 and sewerage to the development have been made with the Tweed Shire Council.

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 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "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 DSP5:	1 ET @ \$11020 per ET	\$11020
Sewer Kingscliff:	1 ET @ \$5295 per ET	\$5295

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.

Note: 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.

[PCC0265/PSC0165]

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

[PSC0215]

42. 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]

43. 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]

44. 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]

45. The creation of easements for services, rights of carriageway and restrictions as to user 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) Creation of a Right of Carriageway over proposed Lot 3 to service proposed Lot 2.

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.

[PSC0835]

46. Submit to Council's property officer an appropriate plan indicating the address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed in accordance with Council policy.

[PSC0845]

47. 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]

48. 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]

49. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate – Roads
- (b) Compliance Certificate – Water Reticulation
- (c) Compliance Certificate – Sewerage Reticulation
- (d) Compliance Certificate - Drainage

Note:

1. All compliance certificate applications 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]

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

[PSC0925]

51. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

52. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots 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.

[PSC1115]

53. Prior to the issue of a subdivision certificate the existing dwellings shall be connected to reticulated sewer to the satisfaction of the General Manager or his delegate and the applicant is required to lodge an application to install and operate an onsite sewage management system (private pump station) under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

[PSCNS01]

54. Prior to the issue of a subdivision certificate the existing on-site sewage management systems are to be removed in accordance with NSW Health Advisory Note 3 - October 2000 "Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS)" to the satisfaction of the General Manager or his delegate.

[PSCNS02]

55. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 68 of the Local Government Act 1993.

[PSCNS01]

56. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[PSCNS02]

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

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 2 and 3, to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Water, electricity and gas are to comply with the following requirements of 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that an unreliable reticulated water supply exists, a 5000 litre water supply shall be provided for fire fighting purposes.
 - Polycarbonate/plastic tanks shall be shielded from the impact of radiant heat and direct flame contact.
3. The existing building on proposed Lot 2 and 3 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.
4. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Unanimous

- 7 [PR-CM] Development Application DA06/1034.08 for an Amendment to Development Consent DA06/1034 for Alterations and Additions to Existing Tavern at Lot 1 DP 848875, No. 2-14 Henry Lawson Drive, Terranora**

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**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Development Application DA06/1034.08 for an amendment to Development Consent DA06/1034 for alterations and additions to existing tavern at Lot 1 DP 848875, No. 2-14 Henry Lawson Drive, Terranora be approved subject to the following amendments to the consent:

1. A new condition 59A be added as follows:

59A Any live music shall be conducted from the original stage near the kitchen (centrally located within the building) and not in the immediate vicinity of the balconies.

2. A new condition 59B be added as follows:

59B. The operation of live music events at the Tavern shall comply with the provisions of the Noise Management Plan prepared by Terranora Tavern received by Council on 6 September 2010, that is:

- All doors to the outdoor deck are to remain closed
- Doors to the outdoor beer garden are to remain closed
- Such doors shall only be permitted to be open temporarily for ingress and egress purposes

3. Condition 62A be deleted and replaced with new condition 62B which reads as follows:

62B. The Trading Hours of the Tavern are restricted to the following:

- Sunday to Saturday 10.00am to 12 midnight

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr B Longland, Cr J van Lieshout, Cr K Skinner

AGAINST VOTE - Cr K Milne

8 [PR-CM] Development Application DA08/1225.01 for an amendment to Development Consent DA08/1225 for Demolition of Existing Dwellings & Hall & Construction of an Aged Care Facility Comprising 200 Units in a Three (3) Storey Building at Lot 4 DP 617471; Lot 1 DP 605577; Lot 6 Section 1 and Lot 7 Section 1 DP 28949; Lot 1 and Lot 2 DP 378971; Nos. 16-20 Kingscliff Street and Nos. 90 and 92 Pearl Street, Kingscliff

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Cr D Holdom

Cr P Youngblutt

RESOLVED that Development Application DA08/1225.01 for an amendment to Development Consent DA08/1225 for demolition of existing dwellings and hall and construction of an aged care facility comprising 200 units in a three (3) storey building at Lot 4 DP 617471; Lot 1 DP 605577; Lot 6 Section 1 and Lot 7 Section 1 DP 28949; Lot 1 and Lot 2 DP 378971; Nos. 16-20 Kingscliff Street and Nos. 90 and 92 Pearl Street, Kingscliff be approved and the following conditions be amended:

1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:
 - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos:
 - A-DA-01-01 (Rev H) – *Site Plan* prepared by ML Design and dated 21/05/2010;
 - A-DA-03-01 (Rev F) – *Yield Schedule* prepared by ML Design and dated 21/05/2010;
 - A-DA-10-01 (Rev I) – *Basement Floor Plan* prepared by ML Design and dated 21/05/2010;
 - A-DA-10-02 (Rev I) – *Ground Floor Plan* prepared by ML Design and dated 21/05/2010;
 - A-DA-10-03 (Rev F) – *Level 01 Floor Plan* prepared by ML Design and dated 21/05/2010;
 - A-DA-10-04 (Rev B) – *Level 02 Floor Plan* prepared by ML Design and dated 21/05/2010;
 - A-DA-14-01 (Rev B) – *Roof Plan* prepared by ML Design and dated 21/05/2010;
 - A-DA-15-01 (Rev B) – *Tenancy Plans (Type A – C)* prepared by ML Design and dated 21/05/2010;
 - A-DA-15-02 (Rev A) – *Tenancy Plans (Type D – E)* prepared by ML Design and dated 21/05/2010;
 - A-DA-18-01 (Rev B) – *Sequence Stages 1-4* prepared by ML Design and dated 21/05/2010;
 - A-DA-20-01 (Rev D) – *Overall Section* prepared by ML Design and dated 21/05/2010;
 - A-DA-20-02 (Rev F) – *Typical Section* prepared by ML Design and dated 21/05/2010;
 - A-DA-30-01 (Rev D) – *Elevations 1-4* prepared by ML Design and dated 21/05/2010;
 - A-DA-30-02 (Rev D) – *Elevations 5-8* prepared by ML Design and dated 21/05/2010;
 - A-DA-30-03 (Rev G) – *Elevations 9-12* prepared by ML Design and dated 21/05/2010;
 - A-DA-30-04 (Rev B) – *Typical Elevations* prepared by ML Design and dated 21/05/2010;
 - A-DA-30-05 (Rev A) – *Materials & Finishes* prepared by ML Design and dated 21/05/2010,

except where varied by the conditions of this consent.

2. Delete Condition No. 7 and replace it with Condition No. 7A which reads as follows:

7A. Staging of the development (Stages 1-4) shall be in accordance with the approved Construction Sequencing Plan Reference No. A-DA-18-01 Rev B, 21/05/10.

3. Delete Condition No. 9 and replace it with Condition No. 9A which reads as follows:

9A. The developer shall provide a total of 257 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. This includes the provision of 14 on-street parking spaces.

Full design detail of the proposed parking and manoeuvring areas (including integrated landscaping) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. Landscaping within the parking and manoeuvring areas shall be in accordance with any Council approved landscaping plan.

4. Delete Condition No. 10 and replace it with Condition No. 10A which reads as follows:

10A. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction 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 include indexation provided for in the S94 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 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.

Stage 1

- (a) Tweed Road Contribution Plan:

289.9 Trips @ \$861 per Trips \$249,604

(\$782 base rate + \$79 indexation)

S94 Plan No. 4

Sector6_4

(b) West Kingscliff – Open Space: 53.3723 ET @ \$2386 per ET (\$1849 base rate + \$537 indexation) DCP Section B4 S94 Plan No. 7	\$127,346
(c) Shirewide Library Facilities: 53.3723 ET @ \$792 per ET (\$792 base rate + \$0 indexation) S94 Plan No. 11	\$42,271
(d) Bus Shelters: 53.3723 ET @ \$60 per ET (\$60 base rate + \$0 indexation) S94 Plan No. 12	\$3,202
(e) Eviron Cemetery: 53.3723 ET @ \$120 per ET (\$101 base rate + \$19 indexation) S94 Plan No. 13	\$6,405
(f) Community Facilities (Tweed Coast - North) 53.3723 ET @ \$1305.6 per ET (\$1305.6 base rate + \$0 indexation) S94 Plan No. 15	\$69,683
(g) Emergency Facilities (Surf Lifesaving): 53.3723 ET @ \$113 per ET (\$113 base rate + \$0 indexation) S94 Plan No. 16	\$6,031
(h) Extensions to Council Administration Offices & Technical Support Facilities 53.3723 ET @ \$1759.9 per ET (\$1759.9 base rate + \$0 indexation) S94 Plan No. 18	\$93,929.91
(i) Cycleways: 53.3723 ET @ \$447 per ET (\$447 base rate + \$0 indexation) S94 Plan No. 22	\$23,857

(j)	Regional Open Space (Casual) 53.3723 ET @ \$1031 per ET (\$1031 base rate + \$0 indexation) S94 Plan No. 26	\$55,027
	Stage 2	
(a)	Tweed Road Contribution Plan: 171.6 Trips @ \$861 per Trips (\$782 base rate + \$79 indexation) S94 Plan No. 4 Sector6_4	\$147,748
(b)	West Kingscliff – Open Space: 31.1652 ET @ \$2386 per ET (\$1849 base rate + \$537 indexation) DCP Section B4 S94 Plan No. 7	\$74,360
(c)	Shirewide Library Facilities: 31.1652 ET @ \$792 per ET (\$792 base rate + \$0 indexation) S94 Plan No. 11	\$24,683
(d)	Bus Shelters: 31.1652 ET @ \$60 per ET (\$60 base rate + \$0 indexation) S94 Plan No. 12	\$1,870
(e)	Eviron Cemetery: 31.1652 ET @ \$120 per ET (\$101 base rate + \$19 indexation) S94 Plan No. 13	\$3,740
(f)	Community Facilities (Tweed Coast - North) 31.1652 ET @ \$1305.6 per ET (\$1305.6 base rate + \$0 indexation) S94 Plan No. 15	\$40,689
(g)	Emergency Facilities (Surf Lifesaving): 31.1652 ET @ \$113 per ET (\$113 base rate + \$0 indexation) S94 Plan No. 16	\$3,522

(h)	Extensions to Council Administration Offices & Technical Support Facilities 31.1652 ET @ \$1759.9 per ET (\$1759.9 base rate + \$0 indexation) S94 Plan No. 18	\$54,847.64
(i)	Cycleways: 31.1652 ET @ \$447 per ET (\$447 base rate + \$0 indexation) S94 Plan No. 22	\$13,931
(j)	Regional Open Space (Casual) 31.1652 ET @ \$1031 per ET (\$1031 base rate + \$0 indexation) S94 Plan No. 26	\$32,131
Stage 3		
(a)	Tweed Road Contribution Plan: 237.9 Trips @ \$861 per Trips (\$782 base rate + \$79 indexation) S94 Plan No. 4 Sector6_4	\$204,832
(b)	West Kingscliff – Open Space: 43.2063 ET @ \$2386 per ET (\$1849 base rate + \$537 indexation) DCP Section B4 S94 Plan No. 7	\$103,090
(c)	Shirewide Library Facilities: 43.2063 ET @ \$792 per ET (\$792 base rate + \$0 indexation) S94 Plan No. 11	\$34,219
(d)	Bus Shelters: 43.2063 ET @ \$60 per ET (\$60 base rate + \$0 indexation) S94 Plan No. 12	\$2,592
(e)	Eviron Cemetery: 43.2063 ET @ \$120 per ET (\$101 base rate + \$19 indexation) S94 Plan No. 13	\$5,185

(f)	Community Facilities (Tweed Coast - North) 43.2063 ET @ \$1305.6 per ET (\$1305.6 base rate + \$0 indexation) S94 Plan No. 15	\$56,410
(g)	Emergency Facilities (Surf Lifesaving): 43.2063 ET @ \$113 per ET (\$113 base rate + \$0 indexation) S94 Plan No. 16	\$4,882
(h)	Extensions to Council Administration Offices & Technical Support Facilities 43.2063 ET @ \$1759.9 per ET (\$1759.9 base rate + \$0 indexation) S94 Plan No. 18	\$76,038.77
(i)	Cycleways: 43.2063 ET @ \$447 per ET (\$447 base rate + \$0 indexation) S94 Plan No. 22	\$19,313
(j)	Regional Open Space (Casual) 43.2063 ET @ \$1031 per ET (\$1031 base rate + \$0 indexation) S94 Plan No. 26	\$44,546
Stage 4		
(a)	Tweed Road Contribution Plan: 152.1 Trips @ \$861 per Trips (\$782 base rate + \$79 indexation) S94 Plan No. 4 Sector6_4	\$130,958
(b)	West Kingscliff – Open Space: 27.6237 ET @ \$2386 per ET (\$1849 base rate + \$537 indexation) DCP Section B4 S94 Plan No. 7	\$65,910
(c)	Shirewide Library Facilities: 27.6237 ET @ \$792 per ET (\$792 base rate + \$0 indexation) S94 Plan No. 11	\$21,878

- (d) Bus Shelters:
27.6237 ET @ \$60 per ET \$1,657
(\$60 base rate + \$0 indexation)
S94 Plan No. 12
- (e) Eviron Cemetery:
27.6237 ET @ \$120 per ET \$3,315
(\$101 base rate + \$19 indexation)
S94 Plan No. 13
- (f) Community Facilities (Tweed Coast - North)
27.6237 ET @ \$1305.6 per ET \$36,066
(\$1305.6 base rate + \$0 indexation)
S94 Plan No. 15
- (g) Emergency Facilities (Surf Lifesaving):
27.6237 ET @ \$113 per ET \$3,121
(\$113 base rate + \$0 indexation)
S94 Plan No. 16
- (h) Extensions to Council Administration Offices
& Technical Support Facilities
27.6237 ET @ \$1759.9 per ET \$48,614.95
(\$1759.9 base rate + \$0 indexation)
S94 Plan No. 18
- (i) Cycleways:
27.6237 ET @ \$447 per ET \$12,348
(\$447 base rate + \$0 indexation)
S94 Plan No. 22
- (j) Regional Open Space (Casual)
27.6237 ET @ \$1031 per ET \$28,480
(\$1031 base rate + \$0 indexation)
S94 Plan No. 26

5. Delete Condition No. 12 and replace it with Condition No. 12A which reads as follows:

12A. 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 and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and

the Certifying Authority has sighted Council's "Contribution Sheet" and a "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:

Stage 1

Water DSP5:	55.776 ET @ \$11020 per ET	\$614,651.50
Sewer Kingscliff:	64.201 ET @ \$5295 per ET	\$339,944.30

Stage 2

Water DSP5:	26.4 ET @ \$11020 per ET	\$290,928
Sewer Kingscliff:	33 ET @ \$5295 per ET	\$174,735

Stage 3

Water DSP5:	36.6 ET @ \$11020 per ET	\$403,332
Sewer Kingscliff:	45.75 ET @ \$5295 per ET	\$242,246.30

Stage 4

Water DSP5:	23.4 ET @ \$11020 per ET	\$257,868
Sewer Kingscliff:	29.75 ET @ \$5295 per ET	\$157,526.30

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.

Note: 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.

6. Delete Condition No. 21 and replace it with Condition No. 21A which reads as follows:

21A. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) Vehicular access to Pearl Street
 - (b) Construction of vehicular access to Kingscliff Street, within the existing (un-named) road reserve.
 - (c) The above-mentioned access to Kingscliff Street is to have a minor realignment to ensure the driveway is perpendicular to the kerb line.
 - (d) The construction of 14 on-street parking spaces within the existing road reserve.
 - (e) Construction of a 1.2m wide concrete footpath within the existing road reserve, to link with the existing path in Kingscliff Street.
 - (f) Provision of suitable identifying marks or signage to delineate the actual end of the public road area.
-

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

7. Delete Condition No. 41 and replace it with Condition No. 41A which reads as follows:

41A. The relocation of public stormwater infrastructure through the site requires separate TSC approval of a Section 68 Local Government Act Stormwater Application, prior to the issue of a Construction Certificate. For the design of public stormwater systems, a safety factor of 2 shall be applied to design rainfall intensities, with a 500mm freeboard to be provided before overtopping can occur. Provision of this factor of safety and freeboard shall be clearly detailed in the s68 Stormwater Application.

Any Council stormwater infrastructure traversing the site should make provision for a relief overland flowpath through the site, as a fail-safe alternative measure.

8. Delete Condition No. 58 and replace it with Condition No. 58A which reads as follows:

58A. The provision of 257 car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

All visitor and staff spaces within the subject site are to be marked and maintained as such.

9. Delete Condition No. 73 and replace it with Condition No. 73A which reads as follows:

73A. The development is to be carried out in accordance with the BASIX certificate dated 21 April 2010 and the Schedule of Commitments approved in relation to this modified development consent.

10. Delete Condition No. 115 and replace it with Condition No. 115A which reads as follows:

115A. All works associated with the demolition, construction and use of the proposed development are to be in accordance with the Waste Management Plan prepared by HMC Pty Ltd, dated May 2010 and HMC's detailed plan of the Waste Storage Area (submitted on 22 June 2009), unless approved otherwise by Council's General Manager or his delegate.

11. The following new DURING condition is to be ADDED as Condition 116.2:

116.2 *Where any treatment/processing area or bunding is required to be placed in association with site dewatering or acid sulfate treatment, the location and*

construction of that area shall be approved on site by Council's Environmental Health Officer prior to the commencement of any treatment or discharge activities'.

12. Delete Condition No. 127 and replace it with Condition No. 127A which reads as follows:

127A. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "Certificate of Practical Completion" issued by Council for all works covered by the Sec.68 approval for sewer relocation works.

13. Delete Condition No. 130 and replace it with Condition No. 130A which reads as follows:

130A. Construction and operation of the development shall comply with the Environmental Noise Impact Report prepared by CRG Pty Ltd, dated 10 May 2010, including Section 6, to the satisfaction of the General Manager or his delegate.

Prior to the issue of an occupation certificate for any stage of the development a report shall be provided to Council from a suitably qualified person which confirms that the recommendations made in that report have been satisfactorily complied with.

14. The following new USE condition is to be ADDED as Condition 156:

156. Servicing and storage of the waste/recycling bins shall be carried out so as not to cause a nuisance to occupants of adjoining properties and/or residents of the aged care facility.

15. The Department of Water and Energy Schedule of Conditions is to be replaced with the following:

DEPARTMENT OF WATER AND ENERGY

SCHEDULE OF CONDITIONS FOR TEMPORARY DEWATERING

DEVELOPMENT APPLICATION NUMBER__DA08/1225

1. All works shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
2. All works are to be constructed in accordance with Report HMC 2008.144B Dewatering Management Plan December 2008 HMC's Addendum to HMC 2008.144B dated 12 May 2010 (pages 1-5) and/or with conditions of development consent.
3. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
4. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
5. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
6. All precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works shall be taken.

7. The water extracted shall not be used for any purpose other than temporary construction dewatering.
8. Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that water.
9. Polluted water shall not be discharged into a river or lake other than in accordance with the conditions of a licence granted under the Protection of the Environment Operations Act 1997.
10. Tailwater drainage shall not be allowed to discharge onto adjoining roads, Crown land or other persons land, or into any river as defined in the Water Act 1912, or a groundwater aquifer, by surface or sub-surface drains or pipes or any other means.
11. Water must not be discharged unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the Council's sewerage treatment system.
12. The ph of any water extracted must be tested prior to the commencement of discharge and at least twice daily thereafter and a record kept of the date, time and result of each test in the site log.
13. Works used for the purposes of conveying, distributing or storing water from the dewatering work shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.
14. Authorised officers of the Department of Water and Energy (DWE), or any other duly authorised officer, must be granted unrestricted access to the works either during or after construction, for the purpose of carrying out any inspection or test of the of the works and its fittings or to take samples of water or material in the work.
15. Any works deemed necessary by DWE for the protection or proper maintenance of the works, or for the control of the water extracted or prevention of pollution of groundwater, shall be undertaken on instruction to do so.
16. A record shall be maintained of the actual volume of groundwater pumped (in kilolitres or megalitres) from the dewatering works, the discharge rate (in litres per second) and duration of pumping (number of days) and this information is to be provided to DWE if and when requested.
17. A record shall be maintained of the actual volume and quality of any tailwater generated by the dewatering and this information is to be provided to DWE if and when requested.
18. A record shall be maintained of the groundwater levels beneath and around the construction site throughout the duration of the dewatering and for a period of at least two (2) months following cessation of the required pumping, and this information is to be provided to DWE if and when requested.
19. DWE may request the provision of interim information relating to the records described in the above three (3) conditions at any time during construction.

16. The NSW Rural Fire Service General Terms of Approval is to be replaced with the following:

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

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendices 2 and 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection 2006'.
3. Internal roads shall comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'. Except that in this instance a perimeter road and a through road is not required.
4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'.
5. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'.
6. A minimum 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the southeast, south and west boundaries adjacent to the hazard. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
7. Landscaping to the site is to comply with principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.
8. No brushwood fencing shall be used.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr B Longland, Cr J van Lieshout, Cr K Skinner

AGAINST VOTE - Cr K Milne

9 [PR-CM] Notice of Appeal of a Joint Regional Planning Panel (JRPP) Development Application DA09/0727 for Additions to Existing Manufactured Home Estate (Noble Lakeside Park) including 45 New Manufactured Home Sites, Construction of a Community Hall and Facilities

Cr W Polglase declared a Pecuniary Interest in this item, left the Chamber at 4.19pm and took no part in the discussion or voting. The nature of the interest is that Cr W Polglase has a business relationship with the applicant.

749

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council in respect of the Joint Regional Planning Panel's decision to refuse Development Application DA09/0727 including 45 new manufactured home sites construction of a community hall and facilities and extension of internal roads (JRPP application) at Lot 193 DP 1014329, No. 34 Monarch Drive, Kingscliff:

1. Engages its solicitors to provide assistance to the Court only in a limited capacity in relation to such matters as conditions of consent; and
2. Pursues the Department of Planning for associated legal costs incurred by Council.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

Cr W Polglase returned to the meeting at 04.22 PM.

10 [PR-CM] Development Control Policy

750

**Cr D Holdom
Cr P Youngblutt**

PROPOSED that the Policy Document Development Control Version 1.1 adopted by Council on 13 November 2007 be rescinded.

751

AMENDMENT

**Cr K Milne
Cr B Longland**

PROPOSED that this item be deferred for a Councillor workshop with a view to updating the Tweed DCP 2008 Section A11.

The Amendment was **Carried**

FOR VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr K Skinner
AGAINST VOTE - Cr D Holdom, Cr P Youngblutt, Cr W Polglase,

The Amendment on becoming the Motion was **Lost** - (Minute No 751 refers)

FOR VOTE - Cr B Longland, Cr K Milne, Cr K Skinner
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr J van Lieshout

752

Cr D Holdom
Cr W Polglase

RESOLVED that the Policy Document Development Control Version 1.1 adopted by Council on 13 November 2007 be rescinded and Councillors undertake a workshop for the Tweed DCP 2008 Section A11 with a view to updating.

The Motion was **Carried** – (Minute No 752 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr B Longland, Cr J van Lieshout, Cr K Skinner
AGAINST VOTE - Cr K Milne

11 [PR-CM] Visitor Carparking at Lot 1 DP 525502 No. 4 Second Avenue, Tweed Heads

753

Cr D Holdom
Cr B Longland

RESOLVED that Council seeks advice from its Solicitors regarding options for appropriate action for the car parking issue at Lot 1 DP 525502 No. 4 Second Avenue, Tweed Heads (SP35133).

The Motion was **Carried**

FOR VOTE - Unanimous

12 [PR-CM] Vegetation Removal Complaints

754

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council does not support the proposal to reward community members who advise Council of vegetation removal that results in a prosecution.

755

AMENDMENT

**Cr K Milne
Cr B Longland**

PROPOSED that this item be deferred for a workshop.

The Amendment was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr K Skinner

The Motion was **Carried** – (Minute No 754 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr K Skinner

AGAINST VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout

13 [PR-CM] Planning Reform Unit - Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code

756

**Cr J van Lieshout
Cr D Holdom**

RESOLVED that:

1. The Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code be deferred to the December Council meeting.
2. A workshop on the Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code be scheduled prior to the December Council meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

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

757

**Cr D Holdom
Cr B Longland**

RESOLVED that Council notes the October 2010 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous



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