



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 15 August 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), Mrs Suzanne Richmond (on behalf of 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).

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

525

**Cr C Byrne
Cr P Youngblutt**

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

The Motion was **Carried**

FOR VOTE - Unanimous

22 [PR-CM] Combined Tweed/Byron Local Emergency Management Committee

526

**Cr W Polglase
Cr K Milne**

RESOLVED that:

1. Council approves the formation of a single Local Emergency Management Committee between Tweed Shire Council and Byron Shire Council local government areas with dual roles by Local Government members as far as practical and single roles as far as practical with other agencies.
2. Council writes to the Regional Emergency Management Committee requesting endorsement to the formation of a single Local Emergency Management Committee between Tweed Shire Council and Byron Shire Council local government areas with

dual roles by Local Government members as far as practical and single roles as far as practical with other agencies.

3. The General Manager be authorised to develop and sign an Agreement with Byron Shire Council for the formation of a single Local Emergency Management Committee between Tweed Shire Council and Byron Shire Council local government areas with dual roles by Local Government members as far as practical and single roles as far as practical with other agencies.

The Motion was **Carried**

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

23 [PR-CM] Section 82A Review of Determination - Development Application DA12/0458 for the Use of Existing Rear Patio Awning at Lot 88 DP 260472 No. 25 Crystal Waters Drive, Tweed Heads

527

Cr P Youngblutt
Cr C Byrne

RESOLVED that Section 82A Review of Determination of Development Application DA12/0458 for the use of existing rear patio awning at Lot 88 DP 260472 No. 25 Crystal Waters Drive, Tweed Heads be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 90 days of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

Amended plans to be submitted for endorsement to the cut the 4.0m wide awning back slightly to stand clear of the 2.1m wide easement for access.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE "A" ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.
[GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. Prior to the issue of the construction certificate a stormwater drainage plan detailing that all awning roof water is directed by pipe work to the street gutter is to be submitted to and approved by the Principal Certifying Authority.
4. 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]

5. 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]

6. 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]

7. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

DURING CONSTRUCTION

8. 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]
9. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]
10. 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]
11. 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]
12. 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]
13. 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]
14. 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]
15. 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]
16. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

17. 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]

18. 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]

19. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

21. 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]

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

[POC0355]

AMENDMENT

528

**Cr K Milne
Cr G Bagnall**

PROPOSED that the Section 82A Review of Determination - Development Application DA12/0458 for the Use of Existing Rear Patio Awning at Lot 88 DP 260472 No. 25 Crystal Waters Drive, Tweed Heads be deferred for a workshop.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** - (Minute No 527 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

24 [PR-CM] Development Application DA13/0181 for a Three Lot Community Title to Two Lot Torrens Title Subdivision (Stage 1) and Alterations to Multi-Dwelling Housing (Stages 2 and 3) at Lot 1 & 2 NPP 270157 No. 20 Tweed Coast Road, Hastings Point; SP57450

529

Cr W Polglase

Cr K Milne

RESOLVED that:

RESOLVED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of the North Coast Regional Environmental Plan 1988 relating to overshadowing be supported and the concurrence of the Director-General of the Department of Infrastructure and Planning be assumed.
- B. Development Application DA13/0181 for a three lot community title to two lot torrens title subdivision (Stage 1) and alterations to multi-dwelling housing (Stages 2 and 3) at Lot 1 & 2 NPP 270157 No. 20 Tweed Coast Road, Hastings Point; SP 57450 No. 20A Tweed Coast Road, Hastings Point be approved subject to the following conditions:

GENERAL

1. The development shall be carried out in three stages as follows:

- Stage 1

The subdivision of 3 Community Title lots to create 2 Torrens Title lots.

- Stage 2

Alterations and additions to the existing multi dwelling housing building to convert four existing units to three units.

- Stage 3

Alterations and additions to the multi dwelling building created through Stage 2 works to convert three units to two units as well as the demolition of the existing carport and replacement with a new four bay carport.

The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- Site Plan (Drawing No.101);
- Proposed Subdivision Plan (Drawing No.102);
- Site Plan- Stage 2 (Drawing No.200);
- Demolition Plans- Stage 2 (Drawing No.201);
- Demolition Roof Plan- Stage 2 (Drawing No.202);
- Proposed Floor Plans- Stage 2 (Drawing No. 203);
- Proposed Roof Plan- Stage 2 (Drawing No. 204);
- Proposed Elevations - Stage 2 (Drawing No. 205);
- Proposed Sections - Stage 2 (Drawing No. 206);
- Site Plan- Stage 3 (Drawing No.300);
- Demolition Plans- Stage 3 (Drawing No.301);
- Demolition Roof Plan- Stage 3 (Drawing No.302);
- Proposed Floor Plans- Stage 3 (Drawing No. 303);
- Proposed Roof Plan- Stage 3 (Drawing No. 304);
- Proposed Elevations - Stage 3 (Drawing No. 305) and;
- Proposed Sections - Stage 3 (Drawing No. 306).

All prepared by Build Restore and dated October 2011 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. 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]

4. 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]

5. The approved subdivision/development shall not result in any clearing of native vegetation without prior approval from the relevant authority.

[GEN0290]

6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are

taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

7. Any new footings required as part of the proposed development are to be designed to resist scour to RL-0.0 and the superstructure is to be capable of resisting wave attack to RL+6.0. The design is required to ensure the building is stable after scour to RL-0.0. The designer may be required to provide calculations on stability under scour conditions, if requested by Councils General Manager or delegate.

[GENNS01]

8. The subject development site adjoins Crown land comprising Lot 7060 DP 1113577 being Reserve 1001008. Clear delineation of the boundary between the development site and the reserve is to be established prior to the issue of a Subdivision Certificate for Stage 1 works. Whilst this does not require fencing, obvious boundary lines are to be provided to minimise any potential incremental creep of residential use into the reserve, as well as the likelihood of reserve users encroaching on the residential site. This development consent does not confer any right on the proponent to:

- Use the reserve for access during demolition or construction;
- Use the reserve as part of the demolition, construction or exclusion zone;
- Use the reserve as an asset protection zone;
- Remove any vegetation from the adjoining Crown land;
- Stockpile materials, equipment or machinery on the adjoining Crown land;
- Direct stormwater discharges or eroded soil onto the adjoining Crown land;
- Use the adjoining Crown land as an asset protection zone; or
- Restrict public use and access of the adjoining Crown land.

[GENNS02]

9. Any foreshore area disturbed by works carried as part of this consent are to be rehabilitated to the satisfaction of Councils General Manager or delegate.
10. Access across foredune areas is to be confined to the existing specified points. This application is not to generate any further accessways across foredune areas.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. The developer shall provide four parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate.

[PCC0065]

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

[PCC0285]

13. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate for Stage 2.

[PCC0585]

14. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

15. A single dwelling or group of up to three attached or detached dwellings, having a Building Code classification of 1a, must be connected by means of a single water service pipe each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1305]

16. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

PRIOR TO COMMENCEMENT OF WORK

17. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work for each relevant stage 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]

18. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

19. 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]

20. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

21. 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

22. 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]
23. 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]

24. 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]

25. 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]

26. 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]

27. 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]

28. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

29. 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]

30. 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]

31. Any damage caused to public infrastructure (roads, footpaths, 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 and/or prior to any use or occupation of the buildings.

[DUR1875]

32. 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]

33. 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]

34. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

35. 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

36. 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]

37. A final occupation certificate for each relevant stage must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and

all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

38. Prior to the issue of a final occupation certificate for each relevant stage 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]

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

[POC1045]

USE

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

[USE0125]

41. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{Aeq}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

42. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

43. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

44. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building

facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

45. A Subdivision Certificate will not be issued by the General Manager until such time as all relevant conditions for Stage 1 of this Development Consent have been complied with.

[PSC0825]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Right of carriageway.
- (c) Right of footway.
- (d) Extinguishment of easements that are no longer required or applicable for the proposed 2 lot torrens title subdivision.

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

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

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

[PSC0835]

47. 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]

48. 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]

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

[PSC1165]

50. The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential) has been provided adjacent to the front boundary of each allotment.

[PSC1185]

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

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Build Restore, identified as 'proposed subdivision plan', Plan No. 102, dated October 2011.

Asset Protection Zones

2. At the issue of subdivision certificate and in perpetuity the entire property shall be managed 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'.

Water and Utilities

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

4. All new fencing shall be non-combustible.

5. New construction on the Northern, Eastern and Southern elevations shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection.'
6. New construction on the Western elevation (including the proposed carport) shall comply with Sections 3 (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 Bush Fire Protection.'

Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice

8. Any future development application lodged within this subdivision under section 79BA of the Environmental Planning and Assessment Act 1979 will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [PR-CM] Development Application DA13/0098 for a Legalisation of an Existing Farm Structure as a Rural Workers Dwelling at Lot 5 DP 630597 No. 197 Kielys Road, Mooball

530

**Cr M Armstrong
Cr K Milne**

RESOLVED that Development Application DA13/0098 for legalisation of an existing farm structure as a rural workers dwelling at Lot 5 DP 630597 No. 197 Kielys Road, Mooball 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 1470A (Sheets 1-4) prepared by Parameter Designs and dated 29 November 2012, 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. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.
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[GEN0290]

4. The building is to be upgraded as follows within sixty (60) days of the date of this consent:
 - a) Provide a mains powered smoke alarm complying with Australian Standard AS3786 to the lounge area.
 - b) Provide natural lighting and ventilation to the bedroom in accordance with the Building Code of Australia.
 - c) Secure the roof framework of the bathroom building in accordance with standard building practice.
 - d) Expose the full perimeter of the ground slab of the building to a depth of 75mm.
 - e) Provide sanitary drainage to the bathroom and kitchen in accordance with Australian Standard AS3500.

[GENNS01]

5. The rural workers dwelling shall be constructed in accordance with the BAL 12.5 construction standards pursuant to AS 3959-2009 and Appendix 3 of Planning for Bushfire Protection 2006.
6. In perpetuity the property around the rural workers dwelling for a distance of 20m or to the property boundary whichever is the lesser with exception to the south which is to be 42m is to be maintained as an asset protection zone. These asset protection zones are to be maintained as an Inner Protection Area (IPA) and managed to prevent the spread of a fire towards the building in accordance with the requirements of Standards for Asset Protection Zones (RFS 2005).
7. A 65mm Storz outlet with a ball or gate valve is generally required to the dedicated 10,000 litre water supply with a hardstand area located within 4m of the water tank to accommodate a fire fighting appliance. The water tank must be non-combustible.

The static water supply is to be accessible for the fire fighting personnel and in this regard fire brigade vehicles would need to be able to park within 4m of the water supply outlet. It is generally preferable to ensure that the water storage is located close to the access driveway and adequately marked or identified.

A SWS - Stored Water Supply sign is to be attached to the front gate or in that proximity.
8. Should a gas service be installed the following aspects will require consideration:
 - Reticulated or bottled gas installed and maintained in accordance with AS 1596 with metal piping used.
 - Fixed gas cylinders to be kept clear of flammable material and shielded on the hazard side of the installation
 - Gas cylinders close to the dwelling are to have the release valves directed away from the building and at least 2m from flammable material with connections to and from the gas cylinder being of metal.

- Polymer sheathed flexible gas supply lines to gas meters adjacent to the buildings are not used.
9. Landscaping within the asset protection zone is undertaken in accordance Appendix 5 of Planning for Bushfire Protection 2006 and managed and maintained in perpetuity.
10. It is recommended that the property owner and occupants familiarise themselves with the relevant bushfire preparation and survival information located on the NSW Rural Fire Service website. This website should be accessed periodically to ensure the property owner and occupants are aware of the latest information. The RFS website is www.rfs.nsw.gov.au.

In addition to the requirements of this report it is recommended that a bushfire survival plan be developed and implemented for the subject site. In this regard your attention is drawn to the following documents which will be useful in the preparation of a bushfire survival plan:

- * NSW Rural Fire Service - Bushfire Survival Plan
- * NSW Rural Fire Service - Bushfire Safety-Prepare, Act and Survive
- * NSW Rural Fire Service - Bushfire Survival Plan Factsheet
- * NSW Rural Fire Service - Leaving Early Factsheet
- * NSW Rural Fire Service - Bushfire Preparation Factsheet
- * NSW Rural Fire Service - Farm Fire Wise

[GENNS02]

11. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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.

(a) Tweed Road Contribution Plan:

6.5 Trips @ \$1296 per Trips	\$8424
(\$1252 base rate + \$44 indexation)	

S94 Plan No. 4	
Sector11_4	
(b) Open Space (Casual):	
0.541 ET @ \$543 per ET	\$294
(\$502 base rate + \$41 indexation)	
S94 Plan No. 5	
(c) Open Space (Structured):	
0.541 ET @ \$622 per ET	\$337
(\$575 base rate + \$47 indexation)	
S94 Plan No. 5	
(d) Shirewide Library Facilities:	
0.541 ET @ \$838 per ET	\$453
(\$792 base rate + \$46 indexation)	
S94 Plan No. 11	
(e) Bus Shelters:	
0.541 ET @ \$64 per ET	\$35
(\$60 base rate + \$4 indexation)	
S94 Plan No. 12	
(f) Eviron Cemetery:	
0.541 ET @ \$123 per ET	\$67
(\$101 base rate + \$22 indexation)	
S94 Plan No. 13	
(g) Community Facilities (Tweed Coast - North)	
0.541 ET @ \$1389 per ET	\$751
(\$1305.6 base rate + \$83.4 indexation)	
S94 Plan No. 15	
(h) Extensions to Council Administration Offices & Technical Support Facilities	
0.541 ET @ \$1860.31 per ET	\$1006.43
(\$1759.9 base rate + \$100.41 indexation)	
S94 Plan No. 18	
(i) Cycleways:	
0.541 ET @ \$473 per ET	\$256

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

- (j) Regional Open Space (Casual)

0.541 ET @ \$1091 per ET \$590

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

- (k) Regional Open Space (Structured):

0.541 ET @ \$3830 per ET \$2072

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

[GENNS03]

12. The Rural Workers Dwelling shall be occupied by employees of the agricultural enterprise on Lot 5 in DP 630597 only. The Rural Workers Dwelling shall not be separately leased, rented or sold and shall remain as ancillary accommodation for genuine workers of the agricultural enterprise carried out on the subject allotment.

[GENNS04]

13. Prior to occupation the applicant is required to:

- a) Lodge an application to install an onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a written approval to Install a Waste Treatment Device, prior to the commencement of the installation of the facility.
- b) Install a Waste Treatment Device in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.
- c) Obtain approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 from Council.

14. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system should be fitted with a first flush device and adequately maintained to ensure a safe and suitable drinking water supply, where applicable. The minimum storage tank capacity shall reflect the dry seasonal periods experienced in the locality and shall be in addition to any fire fighting capacity requirements stipulated by the NSW Rural Fire Services. The minimum storage capacity required shall be 15,000L per bedroom with a minimum 20,000L to be provided.

USE

15. The rural workers dwelling is to be occupied only by a person engaged in agricultural pursuits on the property in accordance with this consent.

[USE0425]

The Motion was **Carried**

FOR VOTE - Unanimous

26 [PR-CM] Development Application DA13/0212 for a Change of Use of Existing Building to Car Repair Station at Lot 19 DP 23512 No. 45 Minjungbal Drive, Tweed Heads South

531

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council grants in-principle support for Development Application DA13/0212 for a change of use of existing building to car repair station at Lot 19 DP 23512 No. 45 Minjungbal Drive, Tweed Heads South and a report to be brought back to a further Council meeting with recommended conditions of consent for Council to determine.

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**

27 [PR-CM] Development Application DA13/0202 for a Shipping Container Storage Facility Comprising a Maximum of 62 Spaces for Shipping Containers at Lot 7 DP 785566 No. 20-26 Greenway Drive, Tweed Heads South

532

**Cr B Longland
Cr M Armstrong**

RESOLVED that Development Application DA13/0202 for a shipping container storage facility comprising a maximum of 62 spaces for shipping containers at Lot 7 DP 785566 No. 20-26 Greenway Drive, Tweed Heads South be refused for the following reasons:

1. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) – *the provisions of any Draft Environmental Planning Instruments* in that the development is prohibited within the B4 Mixed Use zone.
2. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) – *the provisions of any Draft Environmental Planning Instruments* in that the development is inconsistent with the objectives of the B4 Mixed Use zone.
3. The development is not considered to be in the public interest.

The Motion 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

28 [PR-CM] Development Application DA12/0620 for Construction of an Awning over an Existing Outdoor Dining Area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah and Road 5900 Wharf Street, Murwillumbah

Cr G Bagnall declared a Significant, Non-Pecuniary Interest in this item. The nature of the interest is that Cr G Bagnall operates a similar business in the vicinity. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

533

**Cr B Longland
Cr K Milne**

PROPOSED that Development Application DA12/0620 for construction of an awning over an existing outdoor dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf Street, Murwillumbah be refused for the following reasons:

1. The development would result in a security and public safety risk and would therefore be contrary to Clause 4, Clause 8 and Clause 11 of the Tweed Local Environmental Plan 2000.
2. The development would detract from the heritage significance of the host building and the character and amenity of the Murwillumbah Town Centre and would therefore be contrary to Clause 4, Clause 8, and Clause 11 of the Tweed Local Environmental Plan 2000.
3. The development would not protect or enhance the public domain and would therefore be contrary to the Murwillumbah Town Centre Development Control Plan - B22.
4. The development would detract from the heritage significance of the Murwillumbah Main Street Conservation Area and would therefore be contrary to Clause 5.10 of the Tweed Draft Local Environmental Plan 2012.

AMENDMENT

534

**Cr M Armstrong
Cr K Milne**

RESOLVED that Development Application DA12/0620 for the construction of an awning over an existing outdoor dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf Street, Murwillumbah be deferred to the next Council meeting.

The Amendment was **Carried**

FOR VOTE - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No 534 refers)

FOR VOTE - Unanimous

Cr G Bagnall has returned from temporary absence at 08:44 PM

29 [PR-CM] Development Application DA13/0111 for a Detached Dual Occupancy at Lot 1 DP 790119 No. 75 Laura Street, Banora Point

535

**Cr C Byrne
Cr W Polglase**

PROPOSED that Council gives in-principle support for Development Application DA13/0111 for a detached dual occupancy at Lot 1 DP 790119 No. 75 Laura Street, Banora Point and that the application be reconsidered at a later Council meeting with recommended conditions of consent.

AMENDMENT

536

**Cr K Milne
Cr G Bagnall**

RESOLVED that Development Application DA13/0111 for a detached dual occupancy at Lot 1 DP 790119 No. 75 Laura Street, Banora Point be deferred for a workshop.

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 536 refers)

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

30 [PR-CM] Development Application DA13/0239 for the Construction of a Carport (Unit 1) at Lot 1 SP 50344 No. 1/10 Chardonnay Crescent, Tweed Heads South

537

**Cr M Armstrong
Cr W Polglase**

RESOLVED that Council, with respect to Development Application DA13/0239 for a carport (unit 1) at Lot 1 SP 50344 No 1/10 Chardonnay Crescent, Tweed Heads South:

1. Give in-principle approval to the application for the proposed carport and bring back a further report to Council with recommended conditions of consent; and
2. Require the unauthorised constructed driveway along the site's eastern driveway being removed prior to the commencement of works to construct the proposed carport.

AMENDMENT

538

**Cr K Milne
Cr G Bagnall**

PROPOSED that Development Application DA13/0239 for a carport (unit 1) at Lot 1 SP 50344 No 1/10 Chardonnay Crescent, Tweed Heads South be deferred for a workshop.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** - (Minute No 537 refers)

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

AGAINST VOTE - Cr C Byrne, Cr K Milne, Cr G Bagnall

31 [PR-CM] Compliance Matters in Relation to No. 140 Turners Road, Wardrop Valley

Cr G Bagnall declared a Significant, Non-Pecuniary Interest in this item. The nature of the interest is that Cr G Bagnall is known to the proponents of this item. Cr G Bagnall will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

539

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that in terms of the alleged unauthorised road works and land uses being undertaken on the unsealed Council road and Crown Reserve, leading to, and within the property Lot 15 DP 871626, No. 140 Turners Road, Wardrop Valley, Council endorses the following:

1. The owner of No. 140 Turners Road be advised to cease current unauthorised light industry use on the site (construction of manufactured homes) within forty two days (42) days, or otherwise be the subject of more stringent enforcement action; and

2. The owner of No. 50 Turners Road be informed of the enforcement actions taken by Council in respect of No. 140 Turners Road.

AMENDMENT

540

**Cr C Byrne
Cr W Polglase**

PROPOSED in terms of the alleged unauthorised road works and land uses being undertaken on the unsealed Council road and Crown Reserve, leading to, and within the property Lot 15 DP 871626, No. 140 Turners Road, Wardrop Valley, Council endorses the following:

1. The owner of No. 140 Turners Road be advised to cease current unauthorised light industry use on the site (construction of manufactured homes) within seven (7) days, or otherwise be the subject of more stringent enforcement action; and
2. The owner of No. 50 Turners Road be informed of the enforcement actions taken by Council in respect of No. 140 Turners Road.

The Amendment was **Lost** on the Casting Vote of the Mayor

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne
AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr B Longland
ABSENT. DID NOT VOTE - Cr G Bagnall**

The Motion was **Carried** on the Casting Vote of the Mayor (Minute No 539 refers)

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne
ABSENT. DID NOT VOTE - Cr G Bagnall**

Cr G Bagnall has returned from temporary absence at 09:16 PM

- 32 [PR-CM] Development Application DA13/0233 for a 20 Lot Subdivision (19 Residential Lots and 1 Rural Lot) at Lot 2 DP 231691 No. 44 Station Street, Burringbar**

541

**Cr C Byrne
Cr M Armstrong**

RESOLVED that a further, more detailed report be submitted to the September Council meeting in respect of Development Application DA13/0233 for a 20 lot subdivision (19 residential lots and 1 rural lot) at Lot 2 DP 231691 No. 44 Station Street, Burringbar including recommended reasons for refusal.

The Motion was **Carried**

FOR VOTE - Unanimous

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