



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

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

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Tuesday 15 May 2012

held at Murwillumbah Cultural and Civic Centre
commencing at 10.30am

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 10.30am.

IN ATTENDANCE

Cr B Longland (Mayor), Cr P Youngblutt (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase, Cr K Skinner and Cr J van Lieshout.

Also present were Mr David Keenan (General Manager), Mr Troy Green (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 Meredith Smith (Minutes Secretary).

DISCLOSURE OF INTEREST

Cr K Skinner wishes to declare a significant, non pecuniary Interest in Item 1 of the Confidential Agenda. The nature of the interest is that Cr Skinner is part of the Kingscliff Business and Residents Focus Group who are involved in legal action relating to the subject report.

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

263

Cr D Holdom
Cr W Polglase

RESOLVED that Item 8 be transferred from Ordinary Agenda to the Confidential Agenda for discussion on legal matters, with the resolution and voting to be conducted in Open Council.

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

AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

268

Cr K Skinner
Cr P Youngblutt

RESOLVED that Council notes the April 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [PR-CM] Development Application DA11/0607 for a Dwelling House at Lot 1 DP 1059093; No. 1 Gray Street, Tweed Heads West

This item was dealt with later in the meeting to allow discussion on legal matters to take place in Confidential Session - (Minute No 317 refers).

9 [PR-CM] Development Application DA10/0737 for Alterations to Existing Highway Service Centre Comprising Two (2) New Diesel Refueling Points, Expansion of Truck Refueling Canopy, New Truck Parking Area (36 New Bays) and the Replacement of Existing Truck

269

**Cr D Holdom
Cr K Skinner**

PROPOSED that:

1. Council not proceed with the Local Environmental Plan amendment and advise the applicant of Council's decision.
2. Development Application DA10/0737 for alterations to existing highway service centre comprising of two (2) new diesel refuelling points, expansion of truck refuelling canopy, new truck parking area (36 new bays) and the replacement of existing truck parking area with additional car parking spaces and dedicated bus drop-off area (application includes LEP Amendment) at Lot 1 DP 1127741 and Lot 2 DP 1010771; No. 1 Ozone Street, Chinderah be refused for the following reason:
 1. The proposed development is defined as a Service Station and is prohibited on the subject site.

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AMENDMENT

**Cr P Youngblutt
Cr J van Lieshout**

RESOLVED that this item be deferred for four (4) weeks, at the request of the applicant.

The Amendment was **Carried** and became the Motion

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

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AMENDMENT

**Cr K Milne
Cr D Holdom**

PROPOSED that this item be deferred for four (4) weeks, at the request of the applicant and that a Workshop to be scheduled.

The Amendment was **Lost**

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

The Motion was **Carried** - (Minute No 270 refers)

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

10 **[PR-CM] Planning Proposal PP10/0003 for Lot 332 DP 1158142, Part Lot 326 and 315 DP 1158142 Silkpod Avenue, West Murwillumbah (known as Riva Vue)**

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**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the proposed rezoning of site, Lot 332 DP 1158142 and part Lots 315 and 326 DP 1158142, Silkpod Avenue, Murwillumbah, known as Riva Vue, proceed as exhibited and as outlined in the Planning Proposal PP10/0003 Version 3 - Final, in Attachment 1 to this report and that the Planning Proposal be referred to the Department of Planning and Infrastructure to be made through amendment to the Tweed LEP 2000.

The Motion was **Carried**

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

11 [PR-CM] Planning Reform Work Program

273

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council endorses the Planning Reforms - Work Program 2012/2015 identified as Tables 2-4 in this report.

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

AGAINST VOTE - Cr K Milne

12 [PR-CM] NSW Department of Planning and Infrastructure - Draft Policy Statement - Plan Making and Delegations - Call for Submissions

274

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the issues highlighted in this report which form the basis of the submission forwarded to the Department of Planning and Infrastructure in response to the Draft policy statement – Plan-making and Delegations - be endorsed as Tweed Shire Council's response.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

315

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

FOR VOTE - Unanimous

316

Cr W Polglase
Cr P Youngblutt

RESOLVED that the Committee resumes in Open Council.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [PR-CM] Development Application DA11/0607 for a Dwelling House at Lot 1 DP 1059093; No. 1 Gray Street, Tweed Heads West

RETURN TO MEETING

Cr D Holdom has returned from temporary absence at 03:55 PM

317

Cr P Youngblutt
Cr W Polglase

RESOLVED that:

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- B. Council assumes the concurrence of the Director-General of the Department of Planning and Infrastructure for the approval of the State Environmental Planning Policy No. 1 (SEPP1) objection to vary the prohibition for the construction of a dwelling house within the 25 or higher ANEF which does not meet the construction requirements of Australian Standard AS 2021-1994 (Acoustics-Aircraft noise intrusion-building siting and construction).
- C. Development Application DA11/0607 for a dwelling house at Lot 1 DP 1059093 Gray Street, Tweed Heads West be approved subject to the following conditions:

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]

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. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on the road reserve or footpath. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0245]

5. 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]]

6. The dwelling house is to be constructed to Bushfire Attack Level (BAL) 12.5 in accordance with Australian Standard AS 3959-2009.

[GENNS01]

7. The development shall be carried out in accordance with the provisions of the Aircraft Noise Report for Lot 1 DP 1059093 No 1 Gray Street Tweed Heads prepared by Craig Hill Acoustics Reference No: igreyst111011/1 and dated Tuesday 11 October 2011.

[GENNS02]

8. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Aircraft Noise Report for Lot 1 DP 1059093 No 1 Gray Street Tweed Heads prepared by Craig Hill Acoustics Reference No: igreyst111011/1 and dated Tuesday 11 October 2011, then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the dwelling.

[GENNS03]

9. The ceiling of the proposed dwelling is to be constructed with 2x13mm Soundchek™ in accordance with the manufacturer's specifications.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. Prior to the issue of a Construction Certificate details for the footings and floor slab designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

11. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

12. Prior to the issue of a Construction Certificate bracing and tie-down details designed by a structural engineer are to be submitted to and approved by the Principal Certifying Authority.

[PCCNS01]

13. Prior to the issue of a Construction Certificate roof stormwater drainage details are to be submitted to and approved by the Principal Certifying Authority.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

14. 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]

15. 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]

16. 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]

17. 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]

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

[PCW0245]

19. 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]

20. 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.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

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]

22. Prior to the commencement of works, the applicant is to indicate their compliance with the provisions of the Aircraft Noise Report for Lot 1 DP 1059093 No 1 Gray Street Tweed Heads prepared by Craig Hill Acoustics Reference No: igreyst111011/1 and dated Tuesday 11 October 2011 by providing to the Principal Certifying Authority appropriate details on the building components and systems intended to be used in the construction of the dwelling house with the corresponding RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding RW ratings.

[PCWNS01]

23. Prior to the commencement of sewer drainage works an Application to Alter Councils Water or Sewer Infrastructure is to be submitted to Council.

For further information please contact Mr Peter Pennycuik Strategic & Asset Engineer on (02) 6670 2638

[PCWNS03]

DURING CONSTRUCTION

24. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

25. 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]

26. 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]
27. 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]
28. 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]
29. 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]
30. 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]
31. 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 Occupational Health and Safety Regulation 2001.
- [DUR0415]
32. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR0445]
33. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

34. 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]

35. 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]

36. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 3.1 metres AHD. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level.

[DUR1365]

37. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

38. 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]

39. 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 NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

40. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

41. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
-

[DUR2545]

42. 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:-

- * 43.5°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

43. 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]

44. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

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

[POC0435]

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

[POC1045]

USE

47. 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]

48. 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]

49. The building is to be used for single dwelling purposes only.

[USE0505]

D. A notation be placed on any Section 149(5) for the lot advising that an Aircraft Noise report has been prepared by Craig Hill Acoustics Reference No. igreyst111011/1 dated Tuesday 1 October 2011 recommending insulation requirements for the construction of the dwelling house on the lot.

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AMENDMENT

**Cr D Holdom
Cr K Milne**

PROPOSED that this item be deferred to the June meeting with a Workshop to be scheduled prior to the meeting.

The Amendment was **Lost**

FOR VOTE - Cr K Milne

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

The Motion was **Carried** - (Minute No 317 refers)

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

AGAINST VOTE - Cr D Holdom, Cr K Milne

The General Manager reported that the Confidential Committee had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

1 [PR-CM] New Kingscliff Police Station Development Application (DA11/0257) Third Party LEC Appeal

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

DECLARATION OF INTEREST

Cr K Skinner wishes to declare a significant, non pecuniary Interest in Item 1 of the Confidential Agenda. The nature of the interest is that Cr Skinner is part of the Kingscliff Business and Residents Focus Group which is involved in legal action relating to the subject report.

C 24

That:

1. Council instructs its solicitors to advise the NSW Land Environment Court and other parties that Council will be entering a submitting appearance for Land and Environment Court Proceedings No.40102 of 2012.
2. Council requests its solicitors to undertake a passive "watching brief" to aid Council in obtaining proper advice and acting in the event of any unexpected developments in Land and Environment Court Proceedings No.40102 of 2012.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Skinner

8 [PR-CM] Development Application DA11/0607 for a Dwelling House at Lot 1 DP 1059093; No. 1 Gray Street, Tweed Heads West

The discussion relating to legal matters took place in Confidential session, however, the decision and voting took place in open Council (Minute Number 317 of the Minutes of the Ordinary Council Meeting refers).

320

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 4.26 PM.



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