



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

**Councillors:** G Bagnall (Deputy Mayor)  
C Byrne  
B Longland  
W Polglase  
P Youngblutt

# Minutes

## **Planning Committee Meeting Thursday 7 July 2016**

held at **Harvard Room, Tweed Administration Building, Brett Street,  
Tweed Heads** commencing at 5.00pm

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C**  
**79C Evaluation**

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979 ),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

**Note:** See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995 ), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

(2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
  - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
  - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

**Note:** The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
  - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
  - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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The Meeting commenced at 5.04pm.

### **IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Ms Ann Mesic (Minutes Secretary).

### **ABORIGINAL STATEMENT**

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."*

### **PRAYER**

The meeting opened with a Prayer read by the Deputy Mayor.

### **APOLOGIES**

Nil.

### **DISCLOSURE OF INTEREST**

**Cr K Milne** declared a Non-Significant, Non-Pecuniary conflict of interest in Item a7 [PR-PC] Cobaki Concept Plan Mod 4 Comments to Department of Planning & Environment.

The nature of this interest is due to legal matters with the Chairman of Leda Developments, Mr Ell.

**Cr K Milne** will remain in the Chambers during discussion and will vote on the merits of the item.

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

Nil.

### **SCHEDULE OF OUTSTANDING RESOLUTIONS**

Nil.

### **REPORTS THROUGH THE GENERAL MANAGER**

Nil.

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 [PR-PC] Development Application DA15/1064 for a Redevelopment of Waterslide Playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point

P 48

Cr W Polglase  
Cr P Youngblutt

**PROPOSED** that Development Application DA15/1064 for a redevelopment of the waterslide playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point be approved subject to the following conditions:

### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans identified as:

- Site Plan (Sheet S-1), prepared by EXPANDesign and dated 2 May 2016;
- Plan & Side Elevation, prepared by Swimplex Aquatics (undated);
- Front View, prepared by Swimplex Aquatics (undated); and
- Design Drawing (Rev 4), prepared by Swimplex Aquatics and dated 5 February 2015,

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. Landscaping within the waterslide playground area is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

[GENNS01]

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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 for the Tweed Coast Road Elevation at the proposed development is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. This plan is to demonstrate front setback landscaping providing mature vegetation trees and a bushy and green appearance to the street as per the requirements of Tweed Shire Council Development Control Plan Section B23 - Hastings Point Locality Based Development Code.

[PCC0585]

## PRIOR TO COMMENCEMENT OF WORK

5. 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]
6. 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]
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. 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]

9. 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]

10. 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]

11. 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]

12. 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]

13. 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.

[DUR0645]

14. 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]



15. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

16. All works shall be carried out in accordance with the signed copy of Council's Acid Sulfate Soils Management Plan for Minor Works.

[DUR1075]

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

17. 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]

18. Prior to occupation the applicant or business operator is to be registered in Council's Public Swimming Pool Register and pay the appropriate fee under Council's schedule of fees and charges.

[POC1095]

### **USE**

19. 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]

20. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

21. 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]

22. Hours of operation of the water park are restricted to the hours between 7am and 8pm on any day, no entrance is to be admitted outside of these hours.

[USE0185]

23. 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]

24. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations

for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

25. The development shall be carried out in accordance with the provisions of the Noise Impact Assessment (Reference: ATP150204) prepared by ATP Consulting Engineers dated March 2015 or as varied by conditions of consent.

[USE0305]

26. The public swimming pool shall be operated in accordance with the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and the current NSW Health Public Swimming Pool and Spa Pool Advisory Document, NSW Ministry of Health 2012.

[USE0985]

27. Use of the water slide area shall be restricted at all times to permanent and temporary residents of the caravan park and their registered guests only. It shall not be open to the public.

A register is to be maintained detailing any guests who utilise the water play area, specifying the permanent/temporary resident of which they are guests of and the site no. of the permanent/temporary resident.

A copy of this register is to be submitted to Council for review by the General Manager or delegate upon request.

[USE0985]

## **AMENDMENT 1**

**P 49**

**Cr K Milne**

**Cr B Longland**

**RECOMMENDED that Development Application DA15/1064 for a redevelopment of the waterslide playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point be refused for the following reasons:**

1. The proposed facility is considered an overdevelopment of the site and not in keeping with the low key village scale character.
2. Unacceptable noise impacts to surrounding residents and environment.
3. Unacceptable visual impacts along Tweed Coast Road and to the neighbours.
4. This larger proposal would necessitate the provision of the 30m Tweed Coast Road setback to be provided.
5. The lack of capacity to provide adequate vegetation screening.
6. The potential for the development to attract public use not strictly associated with the caravan park is not considered to be orderly and economic use of the land or supporting the welfare of the community.
7. Taking into account the large number of objections, the proposal is not considered to be in the public interest.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No P 49 refers)

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

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**2 [PR-PC] Development Application DA15/0828 for Three Townhouses at Lot 53 SP 91510 No. 53/77 Tamarind Avenue, SP 76700 & SP 79344 No. 77 Tamarind Avenue Bogangar**

**P 50**

**Cr C Byrne**  
**Cr P Youngblutt**

**PROPOSED** that Development Application DA15/0828 for a three townhouses at Lot 53 SP 91510 No. 53/77 Tamarind Avenue, SP 76700 & SP 79344 No. 77 Tamarind Avenue Bogangar be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
  - Site Plan - Ground Floor (Drawing No. DA-02) prepared by Scott Carpenter and dated 2 March 2016;
  - Site Plan - First Floor (Drawing No. DA-03) prepared by Scott Carpenter and dated 2 March 2016;
  - Unit 1 & 2 Town House Plans (Drawing No. DA-04) prepared by Scott Carpenter and dated 2 March 2016;
  - Unit 3 Town House Plans (Drawing No. DA-05) prepared by Scott Carpenter and dated 2 March 2016;
  - Section A-A (Drawing No. DA-06) prepared by Scott Carpenter and dated 2 March 2016;
  - North & East Elevations Units 1 & 2 (Drawing No. DA-07) prepared by Scott Carpenter and dated 2 March 2016;
  - South & West Elevations Units 1 & 2 (Drawing No. DA-08) prepared by Scott Carpenter and dated 2 March 2016;
  - North & East Elevations Units 3 (Drawing No. DA-09) prepared by Scott Carpenter and dated 2 March 2016; and
  - South & West Elevations Units 3 (Drawing No. DA-10) prepared by Scott Carpenter and dated 2 March 2016,

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.  
[GEN0265]
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 sewerage reticulation system from the proposed development shall be privately owned and shall connect upstream (ie: into the property drain) of the existing sewer property connection to SP 76700. No new sewerage junctions or connections to Council's existing sewer reticulation pipelines shall be constructed as a result of this development.
7. Civil Works layout plans are considered to demonstrate incorrect information regarding the private sewer connection location as it shows the connection to be located outside of the property boundary. Sewer connections as shown on the Civil Works layout plans by Charlie Hewitt Engineering Design are not approved.
8. Water supply shall be from the existing water meter located on the lot. Water supply within the lot to the 3 townhouses shall be private. No new water meters shall be installed as a result of this development.  
[GENNS01]

## **RURAL FIRE SERVICE SECTION 79BA CONDITIONS**

9. The recommendations are based on the plan prepared by Scott Carpenter, titled 'Cabarita Lake Town Houses', Job Number 1430 and dated September 2014.

### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

10. At the commencement of building works 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**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

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

## **Access**

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

12. Where the most distant part of a proposed dwelling is greater than 70 metres from a water hydrant, property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

## **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

13. New construction shall comply with Sections 3 and 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 Bush Fire Protection'.

## **Landscaping**

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

[GENNS02]

15. With regard to adjacent Crown Land (Lot 466 DP 755701), the development shall not:
  - a. Encroach upon the Crown land;
  - b. Remove any vegetation from the Crown land;
  - c. Stockpile materials, equipment or machinery on Crown land;
  - d. Use the Crown land for access purposes;
  - e. Direct any new stormwater discharges to the Crown land; or
  - f. Use the Crown land as an Asset Protection Zone.

16. Consistent with measures specified by JWA Ecological Consultants dated 16 February 2016 with respect to Bush Stone-curlew management, all dogs and cats occupying the approved dwellings (the subject of this consent) shall be restrained within the dwelling or secure night cage between the hours of 6:00pm and 6:00am for the life of the development. The proponent is responsible for notifying the first of any future owner/s of the restriction.

17. Vegetation removal is limited to those trees identified as 'to be removed' on the approved plans within the development footprint. No other native vegetation may be removed or disturbed without specific approval from Council's General Manager or delegate.

[GENNS05]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### 18. 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.

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|----|---|----------|
| a. | Tweed Road Contribution Plan:<br>11.7 Trips @ \$1395 per Trips<br>(\$1,145 base rate + \$250 indexation)<br>S94 Plan No. 4<br>Sector7_4 | \$16,322 |
| b. | Open Space (Casual):<br>2.125 ET @ \$638 per ET<br>(\$502 base rate + \$136 indexation)<br>S94 Plan No. 5                               | \$1,356  |
| c. | Open Space (Structured):<br>2.125 ET @ \$557 per ET<br>(\$575 base rate + \$-18 indexation)<br>S94 Plan No. 5                           | \$1,184  |
| d. | Shirewide Library Facilities:<br>2.125 ET @ \$859 per ET<br>(\$792 base rate + \$67 indexation)<br>S94 Plan No. 11                      | \$1,825  |

e.	Bus Shelters: 2.125 ET @ \$67 per ET (\$60 base rate + \$7 indexation) S94 Plan No. 12	\$142
f.	Eviron Cemetery: 2.125 ET @ \$125 per ET (\$101 base rate + \$24 indexation) S94 Plan No. 13	\$266
g.	Community Facilities (Tweed Coast - North) 2.125 ET @ \$1425 per ET (\$1,305.60 base rate + \$119.40 indexation) S94 Plan No. 15	\$3,028
h.	Extensions to Council Administration Offices & Technical Support Facilities 2.125 ET @ \$1909.57 per ET (\$1,759.90 base rate + \$149.67 indexation) S94 Plan No. 18	\$4,057.84
i.	Cycleways: 2.125 ET @ \$480 per ET (\$447 base rate + \$33 indexation) S94 Plan No. 22	\$1,020
j.	Regional Open Space (Casual) 2.125 ET @ \$1119 per ET (\$1,031 base rate + \$88 indexation) S94 Plan No. 26	\$2,378
k.	Regional Open Space (Structured): 2.125 ET @ \$3928 per ET (\$3,619 base rate + \$309 indexation) S94 Plan No. 26	\$8,347

[PCC0215]

19. 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 "Certificate of Compliance" signed by an authorised officer of Council.

[PCC0265]

20. 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]

21. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

22. A detailed plan of landscaping containing no noxious or environmental weed species and with 100% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or delegate prior to the issue of the first of any Construction Certificate.

[PCC0585]

23. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) The minimum habitable floor level for the building is RL 5.8m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

[PCC0705]

24. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) 1.2m wide reinforced concrete footpath along the full frontage of the site on Willow Avenue and Tamarind Avenue.

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

[PCC0895]



25. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Annexure B of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
  - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
  - (d) Specific Requirements to be detailed within the Construction Certificate application include:
    - i) The stormwater treatment train must demonstrate compliance with water quality objectives by one of the options specified in D7.07A.4
    - ii) All stormwater treatment devices must be located on common land as per D7.09.4
    - iii) Stormwater treatment device(s) of a type that can only be maintained by specialist contractors or the manufacturer are not acceptable.

[PCC1105]

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

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

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

27. 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]

28. 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]

29. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), 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. Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

[PCC1310]

### **PRIOR TO COMMENCEMENT OF WORK**

30. 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]

31. 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]

32. 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]

33. 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]

34. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]

35. 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]

36. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

## DURING CONSTRUCTION

37. 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]

38. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.

[DUR0025]

39. 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]

40. 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]
41. 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]
42. 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]
43. 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]
44. 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]
45. 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]
46. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
47. 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]
48. 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]
49. 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]

50. 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]

51. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

52. A reinforced concrete footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site along Willow Avenue and Tamarind Avenue in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

24 hours notice is to be given to Council's Engineering Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

53. 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]

54. 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]

55. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR1925]

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

[DUR1945]

57. 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 blown from the site.

[DUR2185]

58. 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]

59. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

60. 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]

61. 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]

62. 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]

63. 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]

64. All works must comply with measures specified in correspondence prepared by JWA Ecological Consultants dated 16 February 2016 - Bush Stone-curlew Management. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing and/or earthworks will take place until the Plan(s) of Management is/are approved.

[DURNS01]

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

65. 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]
66. 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]
67. A final occupation certificate 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]
68. 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]
69. All approved landscaping requirements must be completed in accordance with the approved detailed landscaping plans to the satisfaction of the General Manager or delegate PRIOR to the issue of occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate. [POC0475]
70. Prior to the issue of an occupation 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. [POC0745]
71. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices. [POC0985]
72. External living areas which are within 4 metres of a side boundary are to be suitably screened from adjoining properties. Details of proposed screening is to be submitted for the written satisfaction of Councils General Manager or delegate prior to the issue of a occupation certificate. Proposed Unit 1 and Unit 3 are considered to be within 4m of a side boundary. [POCNS01]

## **USE**

73. 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]
74. 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]

75. 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]

76. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the written to the satisfaction of the General Manager or his delegate.

[USE0875]

## **SUSPENSION OF STANDING ORDERS**

**P 51**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Standing Orders be suspended to deal with Item 3 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## **RESUMPTION OF STANDING ORDERS**

**P 52**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that the Planning Committee considers Item 2.

## **AMENDMENT 1**

**P 53**

**Cr B Longland  
Cr K Milne**

**RECOMMENDED** that this item be deferred for a workshop and be reported back to the Planning Committee meeting of 4 August 2016.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No P 53 refers)

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

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**3 [PR-PC] Development Application DA15/0641 for a Two Lot Subdivision at Lot 7 DP 1077697 No. 768-770 Casuarina Way, Casuarina**

**P 54**

**Cr P Youngblutt**  
**Cr C Byrne**

**RECOMMENDED** that Development Application DA15/0641 for a two lot subdivision at Lot 7 DP 1077697 No. 768-770 Casuarina Way, Casuarina be refused for the following reason:

1. Council's Development Control Plan 2008 Section A5 - Subdivision Manual states that a minimum of 9.0 metres of kerb frontage is required for each lot unless alternative provisions are made for parking. The proposal does not comply with this development standard by proposing a kerb frontage of 1.7 metres for each allotment and does not propose suitable alternative parking arrangements.
2. The proposed development is considered not to be within the public interest. The proposal is considered to create a significant impact on adjoining properties, the local road network and the public domain. The development will create a cumulative impact with regard to the reduced provision of on-street parking and therefore is considered not to be within the public interest.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**4 [PR-PC] Development Application DA15/0532.01 for an Amendment to Development Consent DA15/0532 for Use of Part of Tavern Floor Area as a Retail Shop at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah**

The General Manager vacated the Chamber at 5.31pm during discussion and voting on this item.

**P 55**

**Cr P Youngblutt**  
**Cr W Polglase**

**PROPOSED** that Council engage solicitors to undertake enforcement action to address the car park layout and construction at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah.

**AMENDMENT 1**

**P 56**

**Cr K Milne**  
**Cr B Longland**

**RECOMMENDED** that the matter be deferred for a workshop to discuss the matter further and provide for a site visit and that this item be brought back to the Planning Committee meeting of 4 August 2016 for determination.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No P 56 refers)

**FOR VOTE - Unanimous**

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**5 [PR-PC] Rural Land Strategy - Draft Policy Directions Paper**

The General Manager returned at 5.34pm.

**P 57**

**Cr C Byrne**  
**Cr P Youngblutt**

**RECOMMENDED** that:

1. The policy directions presented in the attached Rural Land Strategy Draft Policy Directions Paper be endorsed, and
2. The Rural Land Strategy Draft Policy Directions Paper be placed on public exhibition for a period of not less than 28 days, and
3. A further report be presented to Council following public exhibition with a response to submissions received, and a recommendation for commencement of Stage 4 and preparation of the Draft Rural Land Strategy.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**6 [PR-PC] Replacement of Existing CCTV Policy and Standard Operating Procedures CCTV - Murwillumbah and Kingscliff CBDS and Tweed Heads South**

**P 58**

**Cr C Byrne**

**Cr P Youngblutt**

**RECOMMENDED** that Council adopts the Policy *CCTV – Murwillumbah and Kingscliff CBDS and Tweed Heads South*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**P 59**

**Cr C Byrne**

**Cr P Youngblutt**

**RECOMMENDED** that Council notes there are no variations for the month of June 2016 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**LATE ITEM**

**P 60**

**Cr K Milne**

**Cr P Youngblutt**

**RESOLVED** that Item a7 [PR-PC] Cobaki Concept Plan mod 4 Comments to Department of Planning & Environment being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a7 [PR-PC] Cobaki Concept Plan Mod 4 Comments to Department of Planning & Environment**

#### **DECLARATION OF INTEREST**

**Cr K Milne** declared a Non-Significant, Non-Pecuniary conflict of interest in Item a7 [PR-PC] Cobaki Concept Plan Mod 4 Comments to Department of Planning & Environment.

The nature of this interest is due to legal matters with the Chairman of Leda Developments, Mr Ell.

**Cr K Milne** will remain in the Chambers during discussion and will vote on the merits of the item.

#### **SUSPENSION OF STANDING ORDERS**

**P 61**

**Cr W Polglase**  
**Cr C Byrne**

**RESOLVED** that Standing Orders be suspended to discuss the submission.

The Motion was **Carried**

***FOR VOTE - Unanimous***

Cr G Bagnall temporarily left the meeting at 05:38 PM.

Cr G Bagnall has returned from temporary absence at 05:39 PM.

**P 62**

**Cr C Byrne**  
**Cr P Youngblutt**

**RECOMMENDED** that the submission be amended by:

**1. Amending 1c to read:**

- 1c. In relation to the Registered Club site within Precinct 8, Council and the proponents and the club enter into further negotiations to obtain a more suitable site to address planning concerns, or Council supports the registered club to continue to work with the proponent for the best outcome for this part of the development which would address amenity concerns for adjoining residential areas.

**2. Amending 1d to read:**

- 1d. In relation to the Child Care Centre within Precinct 8, Council and the proponents and the club enter into further negotiations to obtain a more suitable site to address planning concerns, or Council supports the registered club to continue to work with the proponent for the best outcome for this part of the development which would address amenity concerns for adjoining residential areas.

**3. Delete 4b.**

The Motion was **Carried**

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

**P 63**

**Cr W Polglase  
Cr P Youngblutt**

**RECOMMENDED** that the submission be amended by amending Point 9 - Condition C14 - Restriction on Cats as follows:

Leave 1<sup>st</sup> paragraph.  
Remove 2<sup>nd</sup> paragraph  
Leave 3<sup>rd</sup> paragraph

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

The Motion was **Lost** on the Casting Vote of the Mayor.

**P 64**

**Cr C Byrne  
Cr K Milne**

**RECOMMENDED** that the submission be amended by amending Point 5 1<sup>st</sup> paragraph – Ecology/Natural Resource Management to read as follows:

“The restriction on keeping of cats was imposed by the Department of Planning at Concept Plan assessment stage. Accordingly, the absence of cats has been considered by assessors as a mitigating factor in considering the overall environmental impact of the development during the concept plan and subsequent stages.”

The Motion was **Carried**

***FOR VOTE - Unanimous***

## RESUMPTION OF STANDING ORDERS

P 65

Cr P Youngblutt

Cr K Milne

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

P 66

Cr C Byrne

Cr P Youngblutt

**RECOMMENDED** that:

1. Council endorse the comments contained within this report with the following amendments to Attachment 1 being:

1. **Amend 1c to read:**

1c. In relation to the Registered Club site within Precinct 8, Council and the proponents and the club enter into further negotiations to obtain a more suitable site to address planning concerns, or Council supports the registered club to continue to work with the proponent for the best outcome for this part of the development which would address amenity concerns for adjoining residential areas.

2. **Amend 1d to read:**

1d. In relation to the Child Care Centre within Precinct 8, Council and the proponents and the club enter into further negotiations to obtain a more suitable site to address planning concerns, or Council supports the registered club to continue to work with the proponent for the best outcome for this part of the development which would address amenity concerns for adjoining residential areas.

3. **Delete 4b**

4. **Amend Point 5 1<sup>st</sup> paragraph - Ecology/Natural Resource Management to read as follows:**

“The restriction on keeping of cats was imposed by the Department of Planning at Concept Plan assessment stage. Accordingly, the absence of cats has been considered by assessors as a mitigating factor in considering the overall environmental impact of the development during the concept plan and subsequent stages.”

2. The endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06\_0316 MOD4) of the Cobaki residential subdivision development.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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There being no further business the Planning Committee Meeting terminated at 6.24pm.

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