



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

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

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Tuesday 19 October 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

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.

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

7 [PR-CM] Planning Reform Fees and Charges

1

Cr W Polglase
Cr B Longland

RESOLVED that Council adopts the amendment to Council's Fees and Charges Schedule 2010/2011, identified within Table 1 of this report, which will take effect from 19 October 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [PR-CM] Planning Proposal PP10/0005 - Lot 1 DP 1046935 Old Lismore Road, Murwillumbah

2

Cr D Holdom
Cr W Polglase

RESOLVED that Council:

1. As the Relevant Planning Authority (RPA), prepares a planning proposal for the site identified as Lot 1 DP 1046935 Old Lismore Road, Murwillumbah; and
2. Endorses the Planning Reforms Unit (PRU) to enter into dialogue with the landowner of Lot 1 DP 10469357 regarding the relevant supporting documentation and technical assessment to satisfy the RPA's requirements for preparing a planning proposal for subsequent lodgement of a planning proposal with the Department of Planning for Gateway determination.

The Motion was **Carried**

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

9 [PR-CM] Tweed Local Environmental Plan Amendment No. 69 - Seabreeze Estate (Stage 2)

3

**Cr D Holdom
Cr B Longland**

RESOLVED that Council:

1. Receives and notes the summary content of submissions received as part of the exhibition of Tweed Local Environmental Plan Amendment No. 69 – Seabreeze Estate (Stage 2) relating to the rezoning of the area identified as Lots 1145 and 1147 DP 1115395, Lots 7 and 10 DP 1137819, Lot 740 DP1072580 and Lot 138 DP 1045822 from 1(a) Rural to 2(a) Low Density Residential and 7(l) Environmental Protection (Habitat) with additional clause 53E Specific Provisions for Seabreeze Estate – Stage 2.
2. Endorses the additional definitions and mapping extracted from the Standard Instrument relating to Urban Release Areas to ensure consistency with the Standard Instrument Order 2006 and the emerging Draft Tweed Local Environmental Plan 2010.
3. Endorses the preparation and subsequent furnishing of a report to the Director General, pursuant to the provision of s68(4) of the Environmental Planning and Assessment Act 1979.

The Motion was **Carried**

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

10 [PR-CM] Request for a Planning Proposal - Lot 16 DP 856265, No. 225 Terranora Road, Banora Point

4

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that Council:

1. As the Relevant Planning Authority (RPA), approves the preparation of a planning proposal for the site identified as Lot 16 DP 856265, No. 225 Terranora Road, Banora Point, and
2. Endorses the Planning Reforms Unit (PRU) to enter into dialogue with the landowner of Lot 16 DP 856265, No. 225 Terranora Road, Banora Point regarding the preparation and funding of any relevant supporting technical documentation required to satisfy the RPA's requirements for preparing a

planning proposal sufficient for submission to the Department of Planning for a Gateway determination.

The Motion was **Carried**

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

AGAINST VOTE - Cr B Longland, Cr K Milne

11 [PR-CM] Draft Tweed Local Environmental Plan 2000 Amendment No. 35 - Lot 1 & 6 DP 9042, Lot 14 DP 733411, Dry Dock Road, Tweed Heads South and Application to Convert the Local Environmental Plan (LEP) to a Planning Proposal

5

**Cr D Holdom
Cr W Polglase**

RESOLVED that:

1. Council endorses the referral of the draft Local Environmental Plan Amendment No. 35 to the Department of Planning for a Section 65 Certificate to publicly exhibit the draft Plan, and
2. The Department of Planning be requested to rollover draft Local Environmental Plan Amendment No. 35 into a 'planning proposal' for the purposes of Part 3, Division 4 of the Environmental Planning and Assessment Act, 1979.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne, Cr K Skinner

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

6

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that the report on Planning Reform Unit – Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

7

Cr D Holdom
Cr J van Lieshout

RESOLVED that Standing Orders be suspended to deal with Item 46 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

46 [NOM-Cr J van Lieshout] Lots 2-8 DP28597 Terranora Road Terranora

DECLARATION OF INTEREST

Council Officer, Mr Troy Green, Director Technology and Corporate Services declared an Interest in this item, left the Chamber at 5.51PM. The nature of Mr Green's interest is that he is the owner of an adjoining property.

NOTICE OF MOTION:

8

Cr J van Lieshout
Cr W Polglase

RESOLVED that Council gives support to the owners of the property known as Lots 2-8 DP28597 Terranora Road, Terranora to lodge a planning proposal to change the current rural zoning to a more appropriate residential zoning.

The Motion was **Carried**

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

Mr Green returned to the meeting at 6.04pm.

NOTE: A NOTICE OF RESCISSION ON THIS ITEM HAS BEEN RECEIVED FROM COUNCILLORS HOLDOM, MILNE AND LONGLAND.

9

Cr W Polglase
Cr P Youngblutt

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] State Emergency Services - Tweed Heads Unit

10

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council writes to the Minister of Emergency Services Mr Steve Whan seeking urgent assistance to make representations on behalf of Council with the NSW Land and Property Management Authority to seek a review of its position on the continuing use of the operations of the State Emergency Service (SES) Tweeds Head Unit at Lot 682 DP41192, Crown Reserve 89237 Pioneer Parade, Banora Point.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [PR-CM] Major Project Application MP09_0016 Mixed Use Tourist and Residential Development at Lots 1-3 Section 1 DP 29748; Lot 4 Section 1 DP 31209 Nos. 2-6 Tweed Coast Road and No. 10 Cypress Crescent, Cabarita Beach (DA10/0642)

11

**Cr D Holdom
Cr W Polglase**

RESOLVED that Council endorses the preparation of a submission to the Department of Planning regarding MP09_0016 (DA10/0642) Environmental Assessment (EA) for a three storey mixed use tourist and residential development comprising 24 accommodation units including 6 x 3 bedroom tourist/residential units 15 x 3 bedroom residential units and 3 x 2 bedroom residential units at Lots 1-3 Section 1 DP 29748; Lot 4 Section 1 DP 31209, Nos. 2-6 Tweed Coast Road and No. 10 Cypress Crescent, Cabarita Beach based on the matters identified in this report.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Development Application DA10/0395 for The Unity Festival at Lot 167 DP 729468, Queensland Road, Murwillumbah

12

Cr W Polglase
Cr B Longland

RESOLVED that Council's fees associated with Development Application DA10/0395 for The Unity Festival at Lot 167 DP 729468, No. 37 Queensland Road, Murwillumbah be donated to The Unity Festival Inc.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [PR-CM] Development Application DA10/0342 for a Proposed Two Storey Outbuilding and Use of an Illegally Constructed Retaining Wall at Lot 19 DP 737064, No. 54 Parkes Lane, Terranora

13

Cr D Holdom
Cr P Youngblutt

RESOLVED that Development Application DA10/0342 for a two storey outbuilding, decks, two bali huts, conversion of the existing double garage into a bedroom & the use of the illegally constructed retaining wall at Lot 19 DP 737064, No. 54 Parkes Lane, Terranora 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, ***subject to a revised plan being submitted which alters the layout of the proposed bathroom on the mezzanine floor of the proposed outbuilding to limit the facilities within, to correspond with the proposed adjoining rumpus room use, to the satisfaction of the Director Planning and Regulation.***

[GEN0015]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. Prior to issue of Construction Certificate the applicant is to submit to the PCA a list of the finished building materials and colours for approval. Such materials and colours are to be sympathetic with the rural residential environment.

[PCC0175]

4. A detailed plan of landscaping is to be submitted and approved by the PCA prior to the issue of a Construction Certificate. Such plan is to detail particular species

and densities of plants located within the southern, eastern and northern setbacks of the development which upon reaching maturity will minimise impact from the development onto surrounding properties.

[PCC0585]

5. The footings and floor slab are to be 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]

6. **Stormwater**

Details of the proposed roof water disposal and surface water runoff disposal (i.e including driveway runoff), including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths and indicate connection of stormwater into the private stormwater easement located at the rear of the site.

[PCC1135]

7. 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]

8. Prior to the release of the construction certificate details of the conversion of the existing garage attached to the existing dwelling house into habitable area are to be submitted to the Principal Certifying Authority in respect that the proposed works satisfy the requirements for habitable construction as prescribed in the Housing Provisions Volume Two of the Building Code of Australia 2010.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

9. 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]

10. 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]

11. 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]

12. 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]

13. 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]

14. 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]

15. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

16. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

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

[DUR0015]

19. 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]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

26. 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, Occupational Health and Safety Regulation 2001.

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

[DUR0645]

27. 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]
28. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.
[DUR1045]
29. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction/demolition.
[DUR2185]
30. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
[DUR2245]
31. 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]
32. 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]
33. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR2515]
34. 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]
35. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 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]

36. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

37. Smoke alarms shall be installed in the existing dwelling in accordance with Part 3.7.2 of the Building Code of Australia. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to the PCA and Tweed Shire Council.

[DURNS01]

38. The existing pool is to be fenced in conformity with the requirements of the Swimming Pools Act, 1992 as amended.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

39. 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]

40. 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]

41. 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]

42. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[POC0475]

43. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

44. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

45. Prior to the issue of the occupation certificate for the building works associated with DA10/0342, the existing swimming pool is to be fenced in accordance with Swimming Pools Act, 1992 as amended.

[POCNS01]

USE

- 46. 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]
- 47. The building is not to be used for any habitable commercial or industrial purpose. [USE0455]
- 48. The garage/rumpus must not be used for human habitation or occupation. [USE0475]
- 49. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [USE0735]

The Motion was **Carried**

FOR VOTE - Unanimous

17 **[PR-CM] Development Application DA10/0495 for a Smash Repair and Tow Truck Business (Holding Yard) at Lots 3 and 4 SP 75111, No. 3/23 and No. 4/23 Enterprise Avenue, Tweed Heads South**

14

**Cr W Polglase
Cr J van Lieshout**

RESOLVED that Development Application DA10/0495 for a smash repair and tow truck holding yard at Lot 3, 4 SP 75111, No. 3/23 and 4/23 Enterprise Avenue, Tweed Heads South be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and plans as follows, except where varied by the conditions of this consent:

Title	Dated	Submitted to Council
Site Plan - Units 3 and 4	23 August 2010	23 August 2010
Floor Plan (Issue A - as amended in red)	July 2010	28 September 2010

[GEN0005]

- 2. Future advertising structures/signs to be the subject of a separate development application (where statutorily required). [GEN0065]
- 3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
- 4. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a

Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

5. No tow trucks are permitted to be stored or held at the premises or onsite.
6. No smashed or wrecked cars are to be stored or held within the road reserve or within the car park area.
7. All vehicles undergoing repair work shall be held entirely within Units 3 and 4 at all times.

[GENNS01]

8. Signage is not permitted to be illuminated at any time or by any means.
9. No retailing of any description is permitted from the subject site.

[GENNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

10. 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]

11. An application for a Building Certificate together with the prescribed fee is to be submitted to Council for all building works carried out without development consent, prior to the issue of an occupation certificate.

[POCNS01]

USE

12. 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]

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

[USE0145]

14. Hours of operation of the business are restricted to the following hours: -

- * 7.00 am to 5.00 pm – Mondays to Fridays
- * 7.00 am to 11.00am - Saturdays
- * No operations are to be carried out on Sundays or Public Holidays
- * All waste collections, deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

15. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[USE0395]

16. The use being restricted to the floor area designated on the approved plan.

[USE0415]

17. No items or goods are to be stored or displayed outside the confines of the premises.
[USE0445]
18. All trade materials, product and plant to be kept within confines of the building at all times.
[USE0515]
19. All loading/unloading to take place within the boundary of the subject property.
[USE0525]
20. All commercial / industrial wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate.
[USE0875]
21. The premises shall be maintained in a clean and tidy manner at all times.
[USE0965]
22. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.
[USE1035]
23. All containers, whether or not empty, which contain or once contained potentially contaminated materials, mechanical parts and the like shall be stored to the satisfaction of Council's General Manager or his delegate.
[USE1045]
24. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate. No pollutants are permitted to exit the workshop where they may enter Council's stormwater drain.
[USE1055]
25. All bulk waste collection activities shall occur within the property boundary.
[USE1345]
26. All spray painting must be undertaken within a WorkCover NSW approved spray booth that has an exhaust fan and filter. The spray booth must be designed, constructed and maintained in accordance with AS 4114.1 and 4114.2.
[USENS01]
27. All damaged, smashed or wrecked cars are to be held within the confines of the building only.
[USENS02]
28. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be: -
 - Roofed; and
 - Provided with a sealed floor.
[USENS03]
29. The repair and servicing of air conditioners is not permitted at the site.
[USENS04]

15

AMENDMENT

Cr K Milne
Cr P Youngblutt

PROPOSED that this item be deferred for a Workshop on this matter.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout

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

The Motion was **Carried** (Minute No **706** refers).

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

AGAINST VOTE - Cr K Milne

18 **[PR-CM] Equestrian Pad Compliance Matter - Lot 7 DP 826941. No. 308 Tomewin Road, Dungay**

16

Cr D Holdom
Cr B Longland

RESOLVED that Council engages its solicitors to commence appropriate proceedings against the owners of Lot 7 DP 826941, No. 308 Tomewin Road, Dungay to require a development application to be lodged with Council for the equestrian pad.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.32pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.27pm

19 [PR-CM] Failing Retaining Wall Between No. 2 Kerry Court and No. 18 Tyrone Terrace, Banora Point

17

**Cr D Holdom
Cr K Milne**

RESOLVED that:

1. ATTACHMENTS 1-3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain personnel matters concerning particular individuals (other than councillors).
2. Council receives and notes this report on the failing retaining wall between No. 2 Kerry Court and No. 18 Tyrone Terrace, Banora Point and supports the Council officers' continuing compliance action including the next step of the service of a *Notice of Intention to Serve an Order* on the owners of 2 Kerry Court, Banora Point in respect of the failing retaining wall on rear of their site; and
3. Council supports that a further report be submitted to Council should there not be a satisfactory response from the owners of No. 2 Kerry Court, Banora Point within a reasonable timeframe.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [PR-CM] Cobaki Lakes Concept Plan for Residential Community Development and Project Application for Central Open Space and Lake System - Council Submission to the Department of Planning

18

**Cr D Holdom
Cr B Longland**

RESOLVED that Council:

1. Endorses the attached draft submission to the Department of Planning on the Addendum to the Preferred Project Report for Cobaki Lakes Concept Plan and the comments on the Preferred Project Report for the Project Application for the central open space and drainage corridor for Cobaki Lakes.
2. Does not accept dedication or maintenance of open space, drainage corridors, environmental protection areas and other infrastructure unless the recommended conditions in the attached correspondence are applied and implemented to the satisfaction of the General Manager or his Delegate.

19

AMENDMENT

**Cr K Milne
Cr B Longland**

PROPOSED that: Council

1. Endorses the attached draft submission to the Department of Planning on the Addendum to the Preferred Project Report for Cobaki Lakes Concept Plan and the comments on the Preferred Project Report for the Project Application for the central open space and drainage corridor for Cobaki Lakes.
2. Does not accept dedication or maintenance of open space, drainage corridors, environmental protection areas and other infrastructure unless the recommended conditions in the attached correspondence are applied and implemented to the satisfaction of the General Manager or his Delegate.
3. ***Writes to thank the Department of Planning for responding to issues of concern raised, but expresses serious concerns about issues still unresolved.***
4. ***Council expresses in the strongest terms their concern for the loss of biodiversity and Council's desire for more sustainable outcomes, and that serious consideration for a waterwise and wildlife friendly concept be adopted to achieve Ecologically Sustainable development principles.***
5. ***Requests that the Department of Planning to consider appropriate research organisation such as the Sydney University, Institute for Sustainable Futures, to undertake an independent review of the Cobaki Concept Plan to achieve the best possible outcomes for the environment and receiving waters.***

The Amendment was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr J van Lieshout

The Motion was **Carried** (Minute No **710** refers)

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr J van Lieshout

21 [PR-CM] Class 1 Appeal Lodged in Relation to Consent Conditions applied to Development Application DA06/0897.01 for an Amendment to a Nine (9) Lot Subdivision Involving Alterations to the Approved Lot Sizes, Realignment of the Road and the Staging of the

20

Cr D Holdom
Cr B Longland

RESOLVED that Council instructs its solicitors to defend the Class 1 Application (Case No. 10794/10 relating to the premises at Lot 1 DP 601049; Lot 1 DP 1084992, No. 15 Tanglewood Drive, Tanglewood filed by Storey and Gough Lawyers in the Land and Environment Court on 30 September 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

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

21

Cr B Longland
Cr K Milne

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

The Motion was **Carried**

FOR VOTE - Unanimous