



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland

**Councillors:** M Armstrong (Deputy Mayor)  
G Bagnall  
C Byrne  
K Milne  
W Polglase  
P Youngblutt

# Minutes

## **Ordinary Council Meeting Thursday 20 March 2014**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

## COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 5.04pm.

### **IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (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 by Council's Chaplain, Reverend Bruce Sligo from All Saints Anglican Church, Murwillumbah.

*"God of eternity, creator of time,  
giver of life and love,  
Rescue us from those pressures  
which throw us off balance.*

*If today we have been in too much of a hurry  
to realise that it is good to be alive,  
Lord, have mercy.*

*If we live too close to the news headlines  
and not close enough to the external verities  
Christ, have mercy.*

*If we become so worried  
That we forget that your grace is sufficient for us,  
Lord, have mercy.*

*Timeless God, steadfast in love,  
GENEROUS and patient with all your creatures  
let the peace of God  
Strengthen our lives this day.*

*Father,*

*Thank you for our Tweed Shire. We pray for our Mayor, Barry Longland and members of council. Give our council wisdom in all decisions affecting the lives of Tweed residents.*

*May our community be blessed."*

## **CONFIRMATION OF MINUTES**

### **1 [CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 February 2014**

**131**

**Cr M Armstrong  
Cr C Byrne**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 February 2014 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

**Cr C Byrne** declared a Non-Pecuniary Significant Interest in Item 18 [CNR-CM] Further Vandalism of Dune Vegetation along Kingscliff Beach Foreshore. The nature of the interest is that Cr C Byrne is a resident of Marine Parade, Kingscliff and knows a number of owners and occupiers of properties that could be affected by the outcome of the motion. Cr Byrne will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

**Cr K Milne** declared a Non-Pecuniary Non-Significant conflict of interest in the following Items:

- 10 [PR-CM] Development Application DA10/0801.02 for an Amendment to Development Consent DA10/0801 for the Cobaki Estate Subdivision of Precinct 6 Comprised of 442 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes
- 36 [NOR] [PR-PC] Development Application DA10/0800.03 for an Amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes
- 37 [NOM] Development Application DA10/0800.03 for an Amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes

Cr Milne advised that the nature of this interest is that a defamation claim by Mr Eil of LEDA Holdings, the owner of the Kings Forest and Cobaki developments has been awarded against me for \$15,000.

For clarification, there has been no ruling on costs for an amount of \$50,000, at least not yet, despite media claims. There will be a hearing on costs next month.

Cr Milne has sought advice from the Office of Local Government for confirmation that she can continue to vote on Leda's developments, and that she is acting strictly in accordance with this advice.

Cr Milne will be voting on the merits of each application. The Court found that her defamation was "not malicious", and she assures the community it is immaterial to her who the developer of these lands may be.

Cr Milne's only interest is to achieve standards for all developments that are appropriate to this internationally significant Shire; to protect our iconic koalas, the multitude of our other threatened species and our significant waterways; and to reduce the impacts of unsustainable development on the climate, Tweed's economy, our cultural heritage, on the Council, the residents, the rates, the roads and our community services.

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

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **2 [SOR] Schedule of Outstanding Resolutions**

The report on the Schedule of Outstanding Resolutions was received and noted.

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## **MAYORAL MINUTE**

### **3 [MM-CM] Mayoral Minute for the month of February 2014**

132

**Cr B Longland**

**RESOLVED** that:-

1. The Mayoral Minute for the month of February 2014 be received and noted.
2. The attendance of Councillor/s at nominated Conferences be authorised as follows:

Cr C Byrne, Cr B Longland and Cr W Polglase to attend the 2014 National General Assembly (NGA) of Local Government - National Convention Centre, Constitution Ave, Canberra to be held 15-18 June 2014

The Motion was **Carried**

***FOR VOTE - Unanimous***

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### **4 [MM-CM] Mayoral Minute - Call for Motions - 2014 National General Assembly**

133

**Cr B Longland**

**RESOLVED** that Council notes that there are no motions for the 2014 National General Assembly of Local Government:-

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## RECEIPT OF PETITIONS

### 5 [ROP] Receipt of Petitions

134

Cr B Longland  
Cr M Armstrong

**RESOLVED** that the following tabled Petition(s) be received and noted:

1. Petition concerning the property at the corner of Prospero and River Streets, South Murwillumbah containing 44 signatures.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

### 6 [GM-CM] Destination Tweed Quarterly Report September - December 2013

135

Cr B Longland  
Cr M Armstrong

**RESOLVED** that Council:

1. Endorses Destination Tweed's Quarterly Report for the quarter October to December 2013.
2. ATTACHMENT 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) *commercial information of a confidential nature that would, if disclosed:*
    - (i) *prejudice the commercial position of the person who supplied it, or*
    - (ii) *confer a commercial advantage on a competitor of the council, or*
    - (iii) *reveal a trade secret.*

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**

**AGAINST VOTE - Cr W Polglase, Cr C Byrne**

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 7 [PR-CM] Reforming the Aboriginal Cultural Heritage System in NSW

136

Cr K Milne  
Cr M Armstrong

**RESOLVED** that Council:

1. Notes the consultation undertaken with the Aboriginal community through the Tweed Aboriginal Advisory Committee; and
2. Endorses and forwards the submission on “Reforming the Aboriginal Cultural Heritage System in NSW” to the NSW State Department: Office of Environment and Heritage.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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### 8 [PR-CM] Preferred Swimming Pool Barrier Inspection Program - New Draft Council Policy

137

Cr M Armstrong  
Cr K Milne

**RESOLVED** that Council, in respect of the proposed options for a new Swimming Pool Barrier Inspection Program, required under the NSW Swimming Pools Act, endorses the following:

1. Targeted Inspections – requiring inspections in the following circumstances:
    - a) Where the Pool Barrier is the subject of a complaint (Council is required to commence investigation within three (3) working days).
    - b) Where a request to inspect the pool barrier is made by the owner whether required for pool registration or prior to sale or lease of a premises (an inspection is required to be carried out within ten (10) working days of a written request).
    - c) Where an inspection by Council’s accredited certifiers (other than that required by this clause) reveals an inadequately fenced pool at the subject premises or at a neighbouring premise.
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- d) Where the premises is subject to a Building Certificate application.
  - e) At least once every three years where a pool is situated on premises on which there is tourist and visitor accommodation or more than two dwellings, this includes caravan parks and the like.
  - f) Inspections referred to Council by private accredited certifiers who are unable to issue a compliance certificate for a pool they have inspected.
  - g) Council is informed that a swimming pool has been removed from the state register.
  - h) Council receives information that a pool barrier is non compliant.
  - i) Council is informed that a swimming pool exists on premises subject to a Development Application or a Complying Development Certificate application lodged with Council.
  - j) A property is targeted, based on available resources and level of risk. Council will compare its records with the public register held by the Office of Local Government to identify swimming pools which have not been registered. Council will then utilise its entry powers under the Swimming Pools Act and Local Government Act to randomly inspect those swimming pools and the surrounding child restraint barrier and take any necessary action to enforce compliance. Consequently any property with a swimming pool may be inspected at any time. If a particular suburb/village/area is targeted then it is assumed the unregistered pools will be inspected firstly.
2. The Draft Council Policy incorporating the requirements in (1) above, within the "Identification of pools to be inspected" section, be placed on public exhibition for a 28 day period and inviting public submissions for a period of 42 days; and
  3. Following the exhibition period, a further report be submitted to Council seeking formal adoption of the new Draft Council Policy

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **9 [PR-CM] Animal Management Policy and Practices**

**138**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that Council:

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1. Receives and notes the information presented in this supplementary report in terms of Council's current animal management practices; and
2. Endorses the following recommendations for each of the companion animal issues discussed in the supplementary and original reports:
  - a. Companion Animal Management - Changes to Legislation
    - Receives and notes the information presented in this report in terms of changes to the NSW Legislation, and Companion Animals Task Force recommendations.
  - b. Operation of Council's Impounding Facility
    - Receives and notes the information presented in this report in terms of the current operation of the Impounding facility;
    - A further report in relation to the operational needs of the Impounding Facility be submitted to Council; and
    - Discussions are held with neighbouring Council's in relation to 'resource sharing' of their animal management functions.
  - c. Policy and/ or Guidelines for 'Dog off-leash' Areas
    - 'in principle' support be granted to the creation of a new off-leash dog area at Tyalgum, as proposed by the Tyalgum Residents Group, subject to a further report being submitted to Council providing more details on the off-leash area design, location, cost and statutory process required; and
    - A new policy providing criteria for the future selection of off-leash areas in Tweed Shire be prepared and reported to Council.
  - d. Dog 'Poo Bags'
    - in-principle support be granted to a small scale trial for the provision of 'dog poo bags' (dispensers) and the provision of associated waste bins, and that a further report be brought back to Council providing further details of the costs and logistics for such a trial.
  - e. Barking Dog Complaints Procedures
    - No change to current practice

The Motion was **Carried**

***FOR VOTE - Unanimous***

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- 10 [PR-CM] Development Application DA10/0801.02 for an Amendment to Development Consent DA10/0801 for the Cobaki Estate Subdivision of Precinct 6 Comprised of 442 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infracst**

**DECLARATION OF INTEREST**

**Cr Milne** declared a non-pecuniary non-significant interest and advised that the nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments has been awarded against her for \$15,000. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

**139**

**Cr B Longland  
Cr C Byrne**

**RESOLVED** that Standing Orders be suspended to deal with this item of the Agenda to allow discussion in Committee of the Whole.

The Motion was **Carried**

**FOR VOTE - Unanimous**

Cr C Byrne temporarily left the meeting at 05:33 PM.  
Cr C Byrne has returned from temporary absence at 05:34 PM

**140**

**Cr B Longland  
Cr P Youngblutt**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**141**

**Cr C Byrne  
Cr P Youngblutt**

**PROPOSED** that Development Application DA10/0801.02 for an amendment to Development Consent DA10/0801 for the Cobaki Estate subdivision of Precinct 6 comprised of 442 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot

2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be amended as follows:

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

10A In accordance with Condition 38 of Project Application MP08\_0200, no works shall be undertaken within the Precinct 6 area that may impact upon (or contribute to an impact upon) the freshwater wetlands and Wallum Froglet habitat area until an appropriate agreement is entered into between the Proponent and the Office of Environment and Heritage that offsets the project's impact on biodiversity. This agreement shall include provision for alternative offsets to be delivered should monitoring indicate that an appropriate wetland environment is not achieved after an appropriate time. Evidence of such an agreement shall be forwarded to the Director General no later than 5 working days prior to works commencing in those areas.

Notwithstanding the above, the proponent shall prepare a detailed Wallum Froglet Compensatory Habitat Plan as per Section 4.3 of the Revised Freshwater Wetland Rehabilitation Plan prepared by James Warren and Associates, dated October 2010. In addition to these requirements, the Wallum Froglet Compensatory Habitat Plan must include the following information on the core breeding habitat areas:

- (i) Detail on how Wallum Froglet core breeding areas will be constructed and maintained;
- (ii) Detail on the design of fauna crossings where the fauna corridor is bisected by a road to ensure Wallum Froglet movement between core breeding habitat ponds is available;
- (iii) How threats to the survival of Wallum Froglet Habitat will be managed;
- (iv) Monitoring and reporting requirements including monitoring of Wallum Froglet usage of the core breeding habitat area, usage of fauna corridors, Wallum Froglet population size and breeding success, water quality, habitat suitability and presence of exotic species (particularly Cane Toad and Gambusia); **and**
- (v)** A contingency planning option in the case of system failure

2. Insert new Condition 10.1 as follows:

10.1 **The Proponent is responsible for the management of all Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans, until such time that an agreement is reached with Council regarding the dedication of that land.**

3. Delete Condition No. 11 and replace it with Condition No. 11A which reads as follows:
- 11A. The proponent must design, construct, operate and maintain the project to ensure that it does not adversely affect **any remaining** Wallum Froglet populations on, or adjacent the site.
4. Delete Condition No. 19 and replace it with Condition No. 19A which reads as follows:
- 19A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been **commenced** in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08\_0200.
- The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.**
5. Delete Condition No. 34 and replace it with Condition No. 34A which reads as follows:
- 34A. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications.

The detailed plans shall include but are not limited to the following:

- Earthworks
    - Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
    - Comply with the provisions of Council's Design Specification D6 – Site Regrading.
    - Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
    - The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, **unless otherwise approved by the General Manager or his delegate**
  - Roadworks/furnishings
    - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
  - Stormwater drainage
  - Water supply works
    - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
  - Sewerage works
    - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
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- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

6. Delete Condition No. 47 and replace it with Condition No. 47A which reads as follows:

47A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009). Appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. **The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.**

7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:

55A One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06\_0316. Such plan(s) must be prepared for Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated **April 2013** and representing compensatory offset for loss of habitat and Endangered Ecological Communities on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the subdivision plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habitat offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06\_0316. The Habitat Restoration Plan(s) must also include:

- (a) a schedule and timing of works to be undertaken.
- (b) **a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.**

- (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.

8. Insert new Condition 55.1 as follows:

55.1 **Following the successful rehabilitation of Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.**

9. Delete Condition No. 62 and replace it with Condition No. 62A which reads as follows:

62A. Should, **following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a** staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd. by Hill PDA and dated November 2010.

10. Delete Condition No. 63 and replace it with Condition No. 63A which reads as follows:

63A. Detailed design drawings for all road crossings over the nominated fauna corridor are to be **submitted to the General Manager or his delegate for approval. Each crossing design shall incorporate three 2.4 x 1.8m culverts (or two 2.4 x 1.8m culverts connected with a slab) in the centre of the corridor and an additional culvert (minimum 2.4 x 1.2m) on either side of the central culverts** to enable a range of fauna to cross through the corridor and facilitate east-west connectivity for fauna across the site.

10a. New Condition 64.1 to be included as follows:

64.1 Prior to the issue of the Construction Certificate for civil works the proponent must reach an agreement with Council regarding a mechanism to fund in perpetuity the ongoing maintenance of the Environment Protection land.

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

73A. Prior to the commencement of construction works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08\_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

12. Delete Condition No. 105 and replace it with Condition No. 105A which reads as follows:

105A. All waters that are to be discharged from the site **during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality)** shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. **Where water is to be discharged from the site** the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

13. Delete Condition No. 117 and replace it with Condition No. 117A which reads as follows:

117A. The proposed passive parks are to be **progressively** dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

14. Delete Condition No. 119 and replace it with Condition No. 119A which reads as follows:

119A. Prior to the issue of a Subdivision Certificate, a **performance** bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath and cycleway construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

15. Delete Condition No. 120 and replace it with Condition No. 120A which reads as follows:

120A. A bond shall be lodged **to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of** 12 months from the date of issue of a Subdivision Certificate.

The amount of the bond shall be 20% of the estimated cost of the landscaping.

16. Delete Condition No. 121 and replace it with Condition No. 121A which reads as follows:



121A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.
- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

17. Delete Condition No. 133 and replace it with Condition No. 133A which reads as follows:

133A. **The Plan of Proposed Subdivision** shall dedicate the proposed drainage reserve **adjacent to that stage of the development at no cost to Council. The proponent shall** submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

18. Delete Condition No. 148 and replace it with Condition No. 148A which reads as follows:

- 148A. ***The staged*** embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.

The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

19. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06\_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

20. Delete Condition No. 158 and replace it with Condition No. 158A which reads as follows:

158A. Lots 602, 603 and 605 adjoining the central drain are to be dedicated as drainage reserve, not environmental open space as indicated on the 'Plan of Proposed Subdivision, Precinct 6 Drainage Reserves & Parks', reference Michel Group Services 6400-218, Issue A, dated 24/11/2010.

142

## AMENDMENT 1

**Cr B Longland**  
**Cr M Armstrong**

**PROPOSED** that Development Application DA10/0801.02 for an amendment to Development Consent DA10/0801 for the Cobaki Estate subdivision of Precinct 6 comprised of 442 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be amended as follows:

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

10A In accordance with Condition 38 of Project Application MP08\_0200, no works shall be undertaken within the Precinct 6 area that may impact upon (or contribute to an impact upon) the freshwater wetlands and Wallum Froglet habitat area until an appropriate agreement is entered into between the Proponent and the Office of Environment and Heritage that offsets the project's impact on biodiversity. This agreement shall include provision for alternative offsets to be delivered should monitoring indicate that an appropriate wetland environment is not achieved after an appropriate time. Evidence of such an agreement shall be forwarded to the Director General no later than 5 working days prior to works commencing in those areas.

Notwithstanding the above, the proponent shall prepare a detailed Wallum Froglet Compensatory Habitat Plan as per Section 4.3 of the Revised Freshwater Wetland Rehabilitation Plan prepared by James Warren and Associates, dated October 2010. In addition to these requirements, the Wallum Froglet Compensatory Habitat Plan must include the following information on the core breeding habitat areas:

- (i) Detail on how Wallum Froglet core breeding areas will be constructed and maintained;
- (ii) Detail on the design of fauna crossings where the fauna corridor is bisected by a road to ensure Wallum Froglet movement between core breeding habitat ponds is available;
- (iii) How threats to the survival of Wallum Froglet Habitat will be managed;
- (iv) Monitoring and reporting requirements including monitoring of Wallum Froglet usage of the core breeding habitat area, usage of fauna corridors, Wallum Froglet population size and breeding success, water quality, habitat suitability and presence of exotic species (particularly Cane Toad and Gambusia); **and**
- (v)** A contingency planning option in the case of system failure

2. Insert new Condition 10.1 as follows:

10.1 **The Proponent is responsible for the management of all Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans, until such time that an agreement is reached with Council regarding the dedication of that land.**

3. Delete Condition No. 11 and replace it with Condition No. 11A which reads as follows:

11A. The proponent must design, construct, operate and maintain the project to ensure that it does not adversely affect **any remaining** Wallum Froglet populations on, or adjacent the site.

4. Delete Condition No. 19 and replace it with Condition No. 19A which reads as follows:

19A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08\_0200.

**The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.**

5. Delete Condition No. 34 and replace it with Condition No. 34A which reads as follows:

34A. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications.

The detailed plans shall include but are not limited to the following:

- Earthworks
  - Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
  - Comply with the provisions of Council's Design Specification D6 – Site Regrading.
  - Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
  - The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, **unless otherwise approved by the General Manager or his delegate**
- Roadworks/furnishings
  - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
  - Stormwater drainage
- Water supply works
  - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
- Sewerage works
  - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

6. Delete Condition No. 47 and replace it with Condition No. 47A which reads as follows:
  - 47A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009). Appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. **The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.**
  
7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:
  - 55A One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06\_0316. Such plan(s) must be prepared for Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated **April 2013** and representing compensatory offset for loss of habitat and Endangered Ecological Communities on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the subdivision plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habitat offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06\_0316. The Habitat Restoration Plan(s) must also include:
    - (a) a schedule and timing of works to be undertaken.
    - (b) **a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.**
    - (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.
    - (d) a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.

8. Insert new Condition 55.1 as follows:

55.1 **Following the successful rehabilitation of Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.**

9. Delete Condition No. 62 and replace it with Condition No. 62A which reads as follows:

62A. Should, **following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a** staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd. by Hill PDA and dated November 2010.

10. Delete Condition No. 63 and replace it with Condition No. 63A which reads as follows:

63A. Detailed design drawings for all road crossings over the nominated fauna corridor are to be **submitted to the General Manager or his delegate for approval. Each crossing design shall incorporate three (3) 3.0m wide x 2.4m high dry passage fauna openings supported by plantings at the underpass entrances, fencing and suitable "furniture"** to enable a range of fauna to cross through the corridor and facilitate east-west connectivity for fauna across the site. **Such openings should be in addition to any culverts required for drainage purposes.**

10a. New Condition 64.1 to be included as follows:

64.1 Prior to the issue of the Construction Certificate for civil works the proponent must reach an agreement with Council regarding a mechanism to fund in perpetuity the ongoing maintenance of the Environment Protection land.

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

73A. Prior to the commencement of construction works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08\_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

12. Delete Condition No. 105 and replace it with Condition No. 105A which reads as follows:

105A. All waters that are to be discharged from the site **during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality)** shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. **Where water is to be discharged from the site** the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

13. Delete Condition No. 117 and replace it with Condition No. 117A which reads as follows:

117A. The proposed passive parks are to be **progressively** dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

14. Delete Condition No. 119 and replace it with Condition No. 119A which reads as follows:

119A. Prior to the issue of a Subdivision Certificate, a **performance** bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath and cycleway construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

15. Delete Condition No. 120 and replace it with Condition No. 120A which reads as follows:

120A. A bond shall be lodged **to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of** 12 months from the date of issue of a Subdivision Certificate.

The amount of the bond shall be 20% of the estimated cost of the landscaping.

16. Delete Condition No. 121 and replace it with Condition No. 121A which reads as follows:

121A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.
- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

17. Delete Condition No. 133 and replace it with Condition No. 133A which reads as follows:

133A. **The Plan of Proposed Subdivision** shall dedicate the proposed drainage reserve **adjacent to that stage of the development at no cost to Council. The proponent shall** submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

18. Delete Condition No. 148 and replace it with Condition No. 148A which reads as follows:



- 148A. ***The staged*** embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.

The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

19. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06\_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

20. Delete Condition No. 158 and replace it with Condition No. 158A which reads as follows:

158A. Lots 602, 603 and 605 adjoining the central drain are to be dedicated as drainage reserve, not environmental open space as indicated on the 'Plan of Proposed Subdivision, Precinct 6 Drainage Reserves & Parks', reference Michel Group Services 6400-218, Issue A, dated 24/11/2010.

The Amendment 1 was **Lost**

***FOR VOTE - Cr B Longland***

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

**143**

## **AMENDMENT 2**

**Cr M Armstrong**

**Cr W Polglase**

**RESOLVED** that this item be deferred to the Planning Committee meeting scheduled for Thursday 1 May 2014, to enable:

1. The proponent's consultant to have an opportunity to respond to the Council's memo of 18 March 2014

2. Council to provide a series of questions relating to the preparation of the proponent's consultant's report; and
3. Council to negotiate with the proponent to determine if an arbitrator could be appointed to resolve the outcome of the openings, with costs to be shared equally between the parties.

The Amendment 2 was **Carried**

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

The Amendment 2 on becoming the Motion was **Carried** - (Minute No 143 refers)

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

Cr P Youngblutt temporarily left the meeting at 06:25 PM.

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11 [PR-CM] Audit of Council Compliance Actions in respect of DA09/0186 (Filling of Land) and DA09/0836 (New Sports Field and Amenities), Lot 1 DP397082 No.58 Depot Road, Kings Forest (Now Known as Lot 100 DP 1192162)

144

**Cr C Byrne  
Cr M Armstrong**

**RESOLVED** that in terms of the Audit of Council Compliance Actions and review of related complaints carried out on Council's behalf by Geolink in respect of DA09/0186 (filling of land) and DA09/0836 (new sports field and amenities), Lot 1 DP397082, No.58 Depot Road, Kings Forest (now known as Lot 100 DP 1192162), Council endorses the following:

1. The report be received and noted; and
2. Council's General Manager writes to the owners of No. 11 Secret Lane Kings Forest, providing a copy of this Council report and related attachments.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr P Youngblutt**

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## REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 12 [CNR-CM] Bruce Chick Conservation Park

Cr P Youngblutt has returned from temporary absence at 06:27 PM

145

**Cr M Armstrong**  
**Cr B Longland**

**RESOLVED** that Council further investigates the feasibility of developing Bruce Chick Conservation Park into a venue to house farmers markets.

The Motion was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall**

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## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.45pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.30pm

### 13 [CNR-CM] Management of Illegal Camping

146

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

**RESOLVED** that:

1. Council defines the activity of "camping" for the purposes of the regulation of the activity "Camping in public streets and reserves" as:

*"Where any place is used as recreation, or an outing or vacation the use of that place by a person or persons lodged in a tent or any temporary structure or other means of shelter or accommodation."*

2. Signage be installed at the entrances of Cudgen Foreshore Park, Faulks Park and Jack Bayliss Park with the following information:

*"No Camping at any time on Council Reserve, Park, Carpark or Foreshore. Fines Apply Maximum Penalty \$1,100, on the spot Penalty \$110."*

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3. A report be brought back to Council in six months evaluating the effectiveness of the proposed signage in (2) above.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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#### **14 [CNR-CM] NSW Public Library Funding**

Cr P Youngblutt temporarily left the meeting at 07:34 PM.

**147**

**Cr M Armstrong  
Cr B Longland**

**PROPOSED** that Council provides support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

1. Writing to the local State Members Thomas George, Member for Lismore, and Geoff Provest, Member for Tweed, outlining Council's support for the NSW Public Library Associations campaign and requesting their support in relation to the need for additional funding from the NSW State Government for the provision of public library services; and
2. Writing to the Honourable George Souris, Minister for the Arts, calling upon the NSW State Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries.

**148**

#### **AMENDMENT**

**Cr K Milne  
Cr C Byrne**

**RESOLVED** that Council provides support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

1. Writing to the local State Members Thomas George, Member for Lismore, and Geoff Provest, Member for Tweed, outlining Council's support for the NSW Public Library Associations campaign and requesting their support in relation to the need for additional funding from the NSW State Government for the provision of public library services; and

2. Writing to the Honourable George Souris, Minister for the Arts, calling upon the NSW State Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries.
3. Approving the distribution of NSW Public Library Associations campaign information in Council libraries; and
4. Taking a lead role in activating the campaign locally and Lismore City Council be advised of Council's actions in this matter.

Cr P Youngblutt has returned from temporary absence at 07:39 PM

The Amendment was **Carried**

***FOR VOTE - Unanimous***

The Amendment on becoming the Motion was **Carried** - (Minute No 148 refers)

***FOR VOTE - Unanimous***

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## 15 [CNR-CM] Murwillumbah Library Alterations

149

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

**RESOLVED** that:

1. Council endorses removing the pond fronting the Murwillumbah Library and the Civic and Cultural Centre and landscaping the area in accord with the design presented within the report.
2. The pond on the western side of the access ramp to the Murwillumbah Civic and Cultural Centre be retained.

150

### **AMENDMENT 1**

**Cr K Milne**  
**Cr G Bagnall**

**PROPOSED** that Council places on exhibition for 28 days its intention to:

- a) remove the pond fronting the Murwillumbah Library and the Civic and Cultural Centre and landscaping the area in accord with the design presented within the report;
-

- b) retain the pond on the western side of the access ramp to the Murwillumbah Civic and Cultural Centre; and
- c) provide a report to Council on any submissions received during the exhibition period.

The Amendment 1 was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

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

151

#### **AMENDMENT 2**

**Cr K Milne**

**Cr G Bagnall**

**PROPOSED** this item be deferred to the Council Meeting of 10 April 2014 to enable the community to write to Council on this matter.

The Amendment 2 was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

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

The Motion was **Carried** (Minute No 149 refers)

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

**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

**A RESCISSION MOTION ON THIS ITEM HAS BEEN RECEIVED FROM COUNCILLORS, MILNE, ARMSTRONG AND BAGNALL.**

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#### **RETIREMENT FROM MEETING**

Cr G Bagnall left the meeting at 08:12 PM.

16            **[CNR-CM] Membership Equal Access Advisory Committee**

152

**Cr W Polglase**

**Cr M Armstrong**

**RESOLVED** that:

1. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
  - (a) personnel matters concerning particular individuals (other than councillors).
2. Council endorses the Committee's recommendation that is the subject of the confidential briefing note.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**17 [CNR-CM] Request to Become Signatory to Headspace Memorandum of Understanding**

**153**

**Cr P Youngblutt**  
**Cr M Armstrong**

**RESOLVED** that Council:

1. Consents to become a member of the headspace consortium with either Medicare Local or On Track Community Programs as lead agency.
2. Becomes a signatory to the headspace Memorandum of Understanding.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**18 [CNR-CM] Further Vandalism of Dune Vegetation along Kingscliff Beach Foreshore**

**DECLARATION OF INTEREST**

**Cr C Byrne** declared a Non-Pecuniary Significant Interest in this item. The nature of the interest is that Cr C Byrne is a resident of Marine Parade, Kingscliff and knows a number of owners and occupiers of properties that could be affected by the outcome of the motion. Cr Byrne will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

Cr C Byrne temporarily left the meeting at 08:14 PM.

---

154

**Cr M Armstrong**  
**Cr K Milne**

**RESOLVED** that Council:

1. Erects signs (size 3m by 2.4m) immediately landward of the dunes at suitable intervals along the middle of Kingscliff Beach foreshore with appropriate text stating that dune vegetation had been vandalised and to encourage reporting of this or future vandalism;
2. Undertakes restoration works in the vandalised area including additional tree planting in conjunction with the local DuneCare group; and
3. Undertakes random inspections of the site for a period of three (3) months and continues ongoing monitoring of the area.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr C Byrne, Cr G Bagnall**

<p><b>A NOTICE OF RESCISSION ON THIS ITEM WAS RECEIVED FROM COUNCILLORS POLGLASE, BAGNALL AND YOUNGBLUTT ON 11 APRIL 2014.</b></p>
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Cr C Byrne has returned from temporary absence at 08:19 PM

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19            **[CNR-CM] Proposed Alteration to Public Waterfront Structures Licence 379377**

155

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

**RESOLVED** that:

1. Council accepts the proposed alteration to the Public Waterfront Structures Licence 379377 - Addition of Wharf and Timber Launching Ramp at South Kingscliff (Salt).
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**20 [CNR-CM] River Health Grants**

156

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Council approves the proposed River Health Grants included within this report.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**21 [E-CM] Road Closure Application - Tyalgum Creek and Pumpenbil**

157

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that:

1. Council objects to the closure of the section of Crown Road reserve within and adjoining Lot 13 in DP1102118 and adjoining Lot 1 in DP 228691 at Tyalgum Creek/Pumpenbil; and
2. An application be made to the Department of Lands to transfer to Council the section of Crown Road reserve within and adjoining Lot 13 in DP1102118 and adjoining Lot 1 in DP 228691 at Tyalgum Creek/Pumpenbil to allow continued public access to the North Pumpenbil Creek and provide the option for future connection between Tyalgum Creek Road and Pumpenbil Road.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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**22 [E-CM] Road Closure Lot 2 DP719056, Lot 1 DP1111306, Lot 4 DP129088  
Numinbah**

158

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

**RESOLVED** that Council does not object to the closure and private purchase of the Crown Road Reserves within Lot 2 DP 719056, Lot 1 DP 1111306 and Lot 4 DP 129088 at Numinbah.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr G Bagnall***

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**23**            **[E-CM] Road Closure - Lots 1 and 4 DP263529 and Lot 74 DP755710**  
**Midginbil**

**159**

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

**RESOLVED** that Council does not object to the closure and private purchase of the Crown Road Reserves running along the southern boundary of Lots 1 and 4 in DP263529 and the Crown Road Reserve within Lot 74 in DP755710 at Midginbil.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr G Bagnall***

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**24**            **[E-CM] EC2012-251 Margaret Olley Tweed River Art Gallery Extension -**  
**Variation Report**

**160**

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

**RESOLVED** that:

1. Council approves the variations to date amounting to \$201,809.00 (exclusive of GST) for Contract EC2012-251 Margaret Olley Tweed River Art Gallery Extensions.
  2. The General Manager be given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.
-

3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

**ABSENT, DID NOT VOTE - Cr G Bagnall**

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**a24 Margaret Olley Tweed River Art Gallery Opening**

161

**Cr W Polglase  
Cr B Longland**

**RESOLVED** that Council thanks staff for their contribution and support towards the opening of the Margaret Olley Art Centre on 15 March 2014.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**25 [E-CM] EC2014-023 Asphalt Surfacing on Crabbes Creek Road, Wommin Bay Road, Ducat Street and Fraser Drive**

162

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EC2014-023 Asphalt Surfacing on Crabbes Creek Road, Wommin Bay Road, Ducat Street and Fraser Drive to Boral Resources for the amount of \$222,209.85 (exclusive of GST).
  2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
-

3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT, DID NOT VOTE - Cr G Bagnall**

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**26 [E-CM] EC2014-001 Kyogle Road Embankment Restoration**

**163**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. The tender from Crosana Pty Ltd for Option 1 be accepted to the value of \$145,870.00 exclusive of GST for tender EC2014-001 Kyogle Road Embankment Restoration.
2. The General Manager be given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT, DID NOT VOTE - Cr G Bagnall**

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**27 [E-CM] EC2013-207 Rehabilitation of Sewer Mains**

164

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council awards the contract EC2013-207 Rehabilitation of Sewer Mains to Insituform Pacific Pty Ltd for the amount of \$396,940.82 (exclusive of GST).
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT, DID NOT VOTE - Cr G Bagnall***

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**28 [E-CM] EC2011-012 Kirkwood Road Project Variations**

165

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council approves the additional variations to date amounting to \$1,838,356.57 (exclusive of GST) for Contract EC2011-012 Kirkwood Road Project as detailed in this report.
  2. The General Manager be given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.
-

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT, DID NOT VOTE - Cr G Bagnall***

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**29 [E-CM] Service Allocations and Street Lighting Specifications**

166

**Cr P Youngblutt**

**Cr C Byrne**

**RESOLVED** that Council:

1. Endorses the proposed amendments to Development Design Specification D1 - Road Design and associated Standard Drawings as outlined in the report;
2. Accepts the use of rigid street lighting poles in Zone 2 areas of street verges until such time as frangible street lighting poles become readily available through Essential Energy for P3, P4 and P5 lighting categories; and
3. Writes to Essential Energy requesting urgent advancement on the provision of frangible street lighting poles for installation in Zone 2 areas of street verges for P3, P4 and P5 lighting categories.
4. Notifies key stakeholders in the development industry in writing to provide a full understanding of the reasons for the changes to D1.

The Motion was **Carried**

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

***AGAINST VOTE - Cr K Milne***

***ABSENT, DID NOT VOTE - Cr G Bagnall***

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**30 [E-CM] Review of Public Road Maintenance Categories**

167

**Cr M Armstrong**

**Cr P Youngblutt**

**RESOLVED** that Council adopts the following classification system for segments of unsealed roads:

<b>Category</b>	<b>Description/Criteria</b>	<b>Typical Actions</b>
Unformed Roads	Unformed roads (paper roads) are only discernible by reference to a cadastral map. These are basically uncleared bushland or agricultural land that may or may not be usable by vehicles. They are often of similar character to the surrounding land.	Not maintained by Council. In general, no action taken.
Class 3 Unsealed road, "not maintained"	These formed road segments may or may not have a gravel pavement; provide access to 3 or less properties from higher order roads; traffic volumes are very low; usually no guideposts or signs or vegetation control.	Inspection in response to notification of potential safety issues. Signing or barricading of safety hazards until rectified by landowners. Eligible for restoration of storm/flood damage by Council if grant funds are made available. Not serviced by routine maintenance or repair works.
Class 2 Unsealed Road, maintained	These formed road segments would have a gravel pavement and pipe culverts; may or may not have guideposts & signs; are 'dead-end' roads, principally to provide access to 4 or more occupied properties; traffic volumes are low to medium. Road formation must be within Road Reserve and be of a suitable standard to move from Class 3 to Class 2.	Inspection in response to notification of defects or problems. Signing or barricading of safety hazards until rectified by Council. Serviced by some routine maintenance and repair works on a lower frequency.
Class 1 Unsealed Road, maintained	These formed road segments would have a gravel pavement, guideposts, signs, pipe culverts, width for 2 vehicles to pass, and form a through avenue for connection to the sealed road network. Traffic volumes are reasonably high. Road formation must be within Road Reserve and be of a suitable standard to move from Class 2 or 3 to Class 1.	Inspection in response to notification of defects or problems. Regular inspection for defects and safety issues. Signing or barricading of safety hazards until rectified by Council. Serviced by routine maintenance and repair works on a higher frequency.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

**ABSENT, DID NOT VOTE - Cr G Bagnall**

**31 [E-CM] Quarterly Water Meter Reading and Consumption Billing - Outcomes of Community Engagement**

168

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Notes the outcomes of community engagement in relation to the introduction of quarterly water meter reading and water consumption billing.
2. Amends its *Revenue Policy and Statement 2014/2015* to reflect the implementation of a 'rolling' quarterly water meter reading and billing regime along with pro-rating of the water consumption charges and a stepped daily average threshold for water usage by residential customers.

The Motion was **Carried**

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

***AGAINST VOTE - Cr K Milne***

***ABSENT, DID NOT VOTE - Cr G Bagnall***

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**32 [E-CM] Backflow Prevention and Cross Connection Control Policy for the Tweed District Water Supply**

169

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that Council adopts the Policy entitled "Backflow Prevention and Cross Connection Control" Version 2.0.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***

***ABSENT. DID NOT VOTE - Cr G Bagnall***

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**REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES**

**33 [CS-CM] Council Meeting and Planning Committee Venues**

170

**Cr M Armstrong  
Cr W Polglase**

**RESOLVED** that Council:

1. Holds at least two (2) Ordinary Council meetings in venues other than the Tweed Shire Council Chambers at Murwillumbah each calendar year with at least one (1) meeting to occur in either Tweed Heads or Banora Point; and
2. Notes that an Ordinary Council meeting has already been held in Banora Point and shall hold a further Ordinary Council meeting at a venue to be determined on the Tweed Coast in 2014 at a date to be determined upon reference to the availability of suitable venues with the date to be advertised not less than two (2) months prior to the relevant scheduled meeting.

The Motion was **Carried**

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

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**34 [CS-CM] Complaints Analysis Report for the period 1 October to 31 December 2013**

171

**Cr W Polglase  
Cr C Byrne**

**RESOLVED** that Council receives and notes the Complaints Analysis Report for the period 1 October to 31 December 2013.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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**35 [CS-CM] Monthly Investment Report for Period Ending 28 February 2014**

This item was considered in conjunction with Addendum Item a35.

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**LATE ITEM**

**172**

**Cr W Polglase  
Cr C Byrne**

**RESOLVED** that Item a35 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 - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

**a35 [CS-CM] Monthly Investment and Section 94 Developer Contributions Report for period ended 28 February 2014**

**173**

**Cr W Polglase  
Cr C Byrne**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 28 February 2014 totalling \$179,127,489 be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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## ORDERS OF THE DAY

- 36 [NOR] [PR-PC] Development Application DA10/0800.03 for an Amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban

## DECLARATION OF INTEREST

Cr Milne declared a non-pecuniary non-significant interest and advised that the nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments has been awarded against her for \$15,000. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

## NOTICE OF RESCISSION:

174

Cr C Byrne  
Cr P Youngblutt

**RESOLVED** that the resolution at Item 4 of the Planning Committee Meeting held Thursday 6 March 2014 at Minute Number P6 being:

*"that Development Application DA10/0800.03 for an amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 comprised of 475 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be modified as follows:*

1. *Delete Condition No. 16 and replace it with Condition No. 16A which reads as follows:*

*16A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08\_0200.*

*The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.*

2. *Delete Condition No. 18 and replace it with Condition No. 18A which reads as follows:*

*18A. The proponent must maintain Asset Protection Zones (APZs) for Precinct 1 and 2 for a period of five years from the date of the issue of the first*

subdivision certificate for Precinct 1 or 2. The APZs must be regularly slashed to ensure a reduced fuel zone and Council is to be notified on each occurrence. Council will audit APZs annually, prior to the bushfire danger period, and at other times as appropriate (e.g. when the risk of bushfire is high), to ensure APZs are compliant with Planning for Bushfire Protection 2006 and in order to meet its reporting requirements under the Rural Fires Act 1997. If APZs are not compliant, the proponent must undertake the necessary works as directed by Council and within the timeframe specified by Council. An unconditional bond to the value of 5% of the Asset Protection Zone (including landscaping, fencing, earthworks and fire trail) cost will be held in the favour of Council to be utilised in the event of non-compliance with this condition.

Release of the bond will be at the completion of the five year maintenance period dependent upon the performance of carrying out the requirements of this condition.

3. Delete Condition No. 32 and replace it with Condition No. 32A which reads as follows:

32A. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon.
- (b) four (4) copies of detailed engineering plans and specifications.

The detailed plans shall include but are not limited to the following:

- Earthworks
  - Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
  - Comply with the provisions of Council's Design Specification D6 – Site Regrading.
  - Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
  - The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, unless otherwise approved by the General Manager or his delegate
- Roadworks/furnishings
  - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
- Stormwater drainage
- Water supply works
  - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.

- Sewerage works
  - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

*The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.*

4. Delete Condition No. 46 and replace it with Condition No. 46A which reads as follows:

46A. *Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009), appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.*

5. Delete Condition No. 51 and replace it with Condition No. 51A which reads as follows:

51A. *One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06\_0316.*

*Such plan(s) must be prepared for Management Areas 1, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated April 2013 and representing compensatory offset for loss of habitat and Endangered Ecological Communities (EEC) on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the Subdivision Plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habit offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06\_0316. The Habitat Restoration Plan(s) must also include:*

- (a) *a schedule and timing of works to be undertaken*
  - (b) *a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.*
  - (c) *a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.*
  - (d) *a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.*
6. *Insert new Condition 51.1 as follows:*
- 51.1. *Following the successful rehabilitation of Management Areas 1, 2, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.*
7. *Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:*
- 55A. *Asset Protection Zones for Precinct 1 and 2 must be compliant with the bush fire protection measures for residential subdivisions as outlined in Section 4.1.3 of Planning for Bush Fire Protection 2006. If APZs are not compliant with acceptable solutions as per Section 4.1.3 of Planning for Bush Fire Protection 2006, then as per the guidelines a detailed performance assessment must be prepared by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia and submitted to Council for approval. The performance assessment must include a detailed assessment and demonstration that the APZ can be maintained in the long term with minimal resources in a cost effective manner without compromise of its function to the satisfaction of the General Manager or delegate.*
8. *Delete Condition No. 56 and replace it with Condition No. 56A which reads as follows:*
- 56A. *The Plans lodged for Construction Certificate must be certified by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia as compliant with Planning for Bushfire Protection Guidelines 2006 or the alternate solutions approved by Council under Conditions 54 and 55.*
9. *Delete Condition No. 59 and replace it with Condition No. 59A which reads as follows:*
- 59A. *Should, following the proponent's best endeavours, National Rental*

Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd. by Hill PDA and dated November 2010.

10. Delete Condition No. 68 and replace it with Condition No. 68A which reads as follows:

68A. Prior to the commencement of construction works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08\_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

11. Delete Condition No. 100 and replace it with Condition No. 100A which reads as follows:

100A. All waters that are to be discharged from the site during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality) shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. Where water is to be discharged from the site the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

12. Delete Condition No. 112 and replace it with Condition No. 112A which reads as follows:

112A. The proposed passive parks are to be progressively dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

13. Delete Condition No. 114 and replace it with Condition No. 114A which reads as follows:

114A. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath and cycleway construction

*works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.*

*Alternatively, the developer may elect to pay a cash contribution to the value of the footpath and cycleway construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.*

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

*115A. A bond shall be lodged to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of 12 months from the date of issue of a Subdivision Certificate.*

*The amount of the bond shall be 20% of the estimated cost of the landscaping.*

15. *Delete Condition No. 116 and replace it with Condition No. 116A which reads as follows:*

*116A. Cash Bond/Bank Guarantee*

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.*
- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.*



- (c) *Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.*
16. *Delete Condition No. 129 and replace it with Condition No. 129A which reads as follows:*
- 129A. *The Plan of Proposed Subdivision shall dedicate the proposed drainage reserve adjacent to that stage of the development at no cost to Council. The proponent shall submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.*
17. *Delete Condition No. 144 and replace it with Condition No. 144A which reads as follows:*
- 144A. *The staged embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.*
- The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.*
18. *Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:*
- 155A. *Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06\_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development."*

**be rescinded.**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**37 [NOM] Development Application DA10/0800.03 for an Amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and**

#### **DECLARATION OF INTEREST**

**Cr Milne** declared a non-pecuniary non-significant interest and advised that the nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments has been awarded against her for \$15,000. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

#### **NOTICE OF MOTION:**

175

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

**RESOLVED** that Development Application DA10/0800.03 for an amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 comprised of 475 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be modified as follows:

1. Delete Condition No. 16 and replace it with Condition No. 16A which reads as follows:
  - 16A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08\_0200. The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.
2. Delete Condition No. 18 and replace it with Condition No. 18A which reads as follows:
  - 18A. The proponent must maintain Asset Protection Zones (APZs) for Precinct 1 and 2 for a period of five years from the date of the issue of the first subdivision certificate for Precinct 1 or 2. The APZs must be regularly slashed to ensure a reduced fuel zone and Council is to be notified on each occurrence. Council will audit APZs annually, prior to the bushfire danger

period, and at other times as appropriate (e.g. when the risk of bushfire is high), to ensure APZs are compliant with Planning for Bushfire Protection 2006 and in order to meet its reporting requirements under the Rural Fires Act 1997. If APZs are not compliant, the proponent must undertake the necessary works as directed by Council and within the timeframe specified by Council. An unconditional bond to the value of 5% of the Asset Protection Zone (including landscaping, fencing, earthworks and fire trail) cost will be held in the favour of Council to be utilised in the event of non-compliance with this condition. Release of the bond will be at the completion of the five year maintenance period dependent upon the performance of carrying out the requirements of this condition.

3. Delete Condition No. 32 and replace it with Condition No. 32A which reads as follows:

32A. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon.
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
  - Earthworks
    - o Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
    - o Comply with the provisions of Council's Design Specification D6 – Site Regrading.
    - o Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council. o The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, unless otherwise approved by the General Manager or his delegate
  - Roadworks/furnishings
    - o Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
  - Stormwater drainage
  - Water supply works o In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
  - Sewerage works o In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
  - Landscaping works
  - Sedimentation and erosion management plans
  - Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure) The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and

Section 138 of the Roads Act to be certified by an Accredited Certifier.

4. Delete Condition No. 46 and replace it with Condition No. 46A which reads as follows:

46A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009), appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.

5. Delete Condition No. 51 and replace it with Condition No. 51A which reads as follows:

51A. One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06\_0316. Such plan(s) must be prepared for Management Areas 1, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated April 2013 and representing compensatory offset for loss of habitat and Endangered Ecological Communities (EEC) on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the Subdivision Plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habit offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06\_0316. The Habitat Restoration Plan(s) must also include:

- (a) a schedule and timing of works to be undertaken
- (b) a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.
- (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.

6. Insert new Condition 51.1 as follows:

51.1. Following the successful rehabilitation of Management Areas 1, 2, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.

7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:
- 55A. Asset Protection Zones for Precinct 1 and 2 must be compliant with the bush fire protection measures for residential subdivisions as outlined in Section 4.1.3 of Planning for Bush Fire Protection 2006. If APZs are not compliant with acceptable solutions as per Section 4.1.3 of Planning for Bush Fire Protection 2006, then as per the guidelines a detailed performance assessment must be prepared by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia and submitted to Council for approval. The performance assessment must include a detailed assessment and demonstration that the APZ can be maintained in the long term with minimal resources in a cost effective manner without compromise of its function to the satisfaction of the General Manager or delegate.
8. Delete Condition No. 56 and replace it with Condition No. 56A which reads as follows:
- 56A. The Plans lodged for Construction Certificate must be certified by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia as compliant with Planning for Bushfire Protection Guidelines 2006 or the alternate solutions approved by Council under Conditions 54 and 55.
9. Delete Condition No. 59 and replace it with Condition No. 59A which reads as follows:
- 59A. Should, following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd. by Hill PDA and dated November 2010.
- 9A. Insert new Condition No. 60.1 as follows:
- 60.1 Prior to the issue of a Construction Certificate for Civil Work the proponent must reach an agreement with Council regarding a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.
10. Delete Condition No. 68 and replace it with Condition No. 68A which reads as follows:
- 68A. Prior to the commencement of construction works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08\_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

11. Delete Condition No. 100 and replace it with Condition No. 100A which reads as follows:

100A. All waters that are to be discharged from the site during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality) shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. Where water is to be discharged from the site the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

12. Delete Condition No. 112 and replace it with Condition No. 112A which reads as follows:

112A. The proposed passive parks are to be progressively dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

13. Delete Condition No. 114 and replace it with Condition No. 114A which reads as follows:

114A. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on. Alternatively, the developer may elect to pay a cash contribution to the value of the footpath and cycleway construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

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

115A. A bond shall be lodged to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of 12 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping.

15. Delete Condition No. 116 and replace it with Condition No. 116A which reads as follows:

116A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost

of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.

- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half- way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

16. Delete Condition No. 129 and replace it with Condition No. 129A which reads as follows:

129A. The Plan of Proposed Subdivision shall dedicate the proposed drainage reserve adjacent to that stage of the development at no cost to Council. The proponent shall submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

17. Delete Condition No. 144 and replace it with Condition No. 144A which reads as follows:

144A. The staged embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate. The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be

paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

18. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06\_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

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- 38 **[NOR] [PR-PC] Development Application DA12/0170.04 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos. 26- 28 Twe**

**NOTICE OF RESCISSION:**

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**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that the resolution at Item 8 of the Planning Committee Meeting held Thursday 6 March 2014 at Minute Number P13 being:

*"that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:*

1. *Insert Condition No. 1.1 which reads as follows:*

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



- . Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
  - . Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;
  - . First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;
  - . Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;
  - . Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;
  - . North Elevation, S96 07, Revision G, dated 23/10/2013;
  - . South Elevation, S96 08, Revision G, dated 23/10/2013
  - . East Elevation, S96 09, Revision G, dated 23/10/2013
  - . West Elevation, S96 10, Revision G, dated 23/10/2013
  - . Section A, S96 11, Revision G, dated 23/10/2013;
  - . Section B, S96 012, Revision G, dated 23/10/2013;
  - . Section C, S96 13, Revision G, dated 23/10/2013;
- All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.

2. Delete Condition No. 1A and replace it with Condition No. 1B which reads as follows:

- 1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- . Construction of new covered entry including common amenities;
- . Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;
- . Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
- . Conversion of room 6 and adjoining storage space into new kitchen store and communal lounge room;
- . Renovation of existing serviced apartment and existing rooms 7 through 12 (identified as rooms 6 through 11 pm proposed plans) including room and balcony enlargement;
- . Conversion of rooms 14 and 15 into a second serviced apartment;
- . Renovation of existing external staircase access upgraded to comply with the Building Code of Australia (BCA)
- . Construction of outdoor food and beverage service area;
- . Construction lounge, bar and outdoor bar area;
- . Construction of external bin storage area, equipment store and new at grade car parking;
- . Partial site landscaping;
- . Renovation of existing stair access to foreshore reserve; and
- . Retention and renovation of existing swimming pool.

Stage 2:

- Construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and
- Partial site landscaping.

Stage 3:

- Construction of new caretakers dwelling, storeroom, common amenities and multipurpose space.
3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.
  4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.
  5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.
  6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

23A. 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 plan and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required work:

    - (a) Vehicular access: construction of two (2) vehicular footpath crossings.
    - (b) Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road

*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]

7. *Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:*

*29A. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of intrusive noise is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.*

8. *Delete Condition No. 69.*

9. *Delete Condition No. 89 and replace it with Condition No. 89A which reads as follows:*

*89A. The outdoor food and beverage service area is to be constructed as a separate structure and be demountable or relocatable.*

10. *Delete Condition No. 93 and replace it with Condition No. 93A which reads as follows:*

*93A. Section 94 Contributions*

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

*Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.*

*A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.*

*These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.*

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1

- (a) *Tweed Road Contribution Plan:*  
12.92 Trips @ \$1186 per Trips \$15,323  
(\$1145 base rate + \$41 indexation)  
S94 Plan No. 4  
Sector7\_4

*Heavy Haulage Component*

*Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-*

$$\text{\$Con}_{TRCP - Heavy} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{TRCP - Heavy}$  heavy haulage contribution

and:

*Prod.* projected demand for extractive material to be hauled to the site over life of project in tonnes

*Dist.* average haulage distance of product on Shire roads (trip one way)

*\\$Unit* the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

*Admin.* Administration component - 5% - see Section 6.5

- (b) *Open Space (Casual):*  
2.1 ET @ \$543 per ET \$1140  
(\$502 base rate + \$41 indexation)  
S94 Plan No. 5
- (c) *Shirewide Library Facilities:*  
2.1 ET @ \$838 per ET \$1760  
(\$792 base rate + \$46 indexation)  
S94 Plan No. 11

- (d) *Community Facilities (Tweed Coast - North)*  
 2.1 ET @ \$1389 per ET \$2917  
 (\$1305.6 base rate + \$83.4 indexation)  
 S94 Plan No. 15
- (e) *Extensions to Council Administration Offices  
 & Technical Support Facilities*  
 2.1 ET @ \$1860.31 per ET \$3906.65  
 (\$1759.9 base rate + \$100.41 indexation)  
 S94 Plan No. 18
- (f) *Regional Open Space (Casual)*  
 2.1 ET @ \$1091 per ET \$2291  
 (\$1031 base rate + \$60 indexation)  
 S94 Plan No. 26

Stage 2

- (a) *Tweed Road Contribution Plan:*  
 12.4 Trips @ \$1186 per Trips \$14706  
 (\$1145 base rate + \$41 indexation)  
 S94 Plan No. 4  
 Sector7\_4

*Heavy Haulage Component*

*Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-*

$$\text{\$Con}_{TRCP - Heavy} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

*where:*

$\text{\$Con}_{TRCP - Heavy}$  heavy haulage contribution

*and:*

*Prod.* projected demand for extractive material to be hauled to the site over life of project in tonnes

*Dist.* average haulage distance of product on Shire roads (trip one way)

*\\$Unit* the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

*Admin.* Administration component - 5% - see Section 6.5

(b) <i>Open Space (Casual):</i> 6.5 ET @ \$543 per ET (\$502 base rate + \$41 indexation) S94 Plan No. 5	\$3530
(c) <i>Shirewide Library Facilities:</i> 6.5 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$5447
(d) <i>Community Facilities (Tweed Coast - North)</i> 6.5 ET @ \$1389 per ET (\$1305.6 base rate + \$83.4 indexation) S94 Plan No. 15	\$9029
(e) <i>Extensions to Council Administration Offices &amp; Technical Support Facilities</i> 6.5 ET @ \$1860.31 per ET \$12092.02 (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	
(f) <i>Regional Open Space (Casual)</i> 6.5 ET @ \$1091 per ET (\$1031 base rate + \$60 indexation) S94 Plan No. 26	\$7092

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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.

*Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate for Stage 1 (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.*

*Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:*

Stage 1

<i>Water DSP6:</i>	<i>2.3612 ET @ \$12575 per ET</i>	<i>\$29,692.10</i>
<i>Sewer Hastings Point:</i>	<i>3.8827 ET @ \$6042 per ET</i>	<i>\$23,459.30</i>

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

*These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.*

*A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.*

*Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.*

[POC0675]

12. *Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:*

*107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed Development Control Plan B25 this consent is subject to the owner of the subject land PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE creating a positive covenant under section 88E of the (Conveyancing Act, 1919) on the following terms:*

*“(i) The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed Development Control Plan B25 or any other subsequent iteration of that planning instrument.*

*(ii) The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:*

*a. In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.*

- b. *The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.*
        - c. *The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25".*
13. *Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:*

*111A. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{A90}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.*

14. *Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:*

*113A Hours of operation of the business are restricted to the following:*

- Enclosed Dining/Lounge/Bar areas and Outdoor Bar - 7am to 10pm Sunday to Thursday and 7am to 12 midnight Friday, Saturday and Public Holidays.*
- Outdoor facilities, including pool and BBQ - 7am - 10pm Monday to Sunday.*

15. *Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:*

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

1. *The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:*

- Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
- Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
- First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;*



- *Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;*
- *Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;*
- *North Elevation, S96 07, Revision G, dated 23/10/2013;*
- *South Elevation, S96 08, Revision G, dated 23/10/2013;*
- *East Elevation, S96 09, Revision G, dated 23/10/2013;*
- *West Elevation, S96 10, Revision G, dated 23/10/2013.*

#### *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 to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:*

2. *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 documents '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 bushfire, 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:*

3. *Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'*

#### *Evacuation and Emergency Management*

*The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:*

4. *Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire 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:*

5. *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'.*

6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.
9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

*Landscaping*

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

*General Advice – consent authority to note*

*Bushfire-Resisting Timber*

- *The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine."*

**be rescinded.**

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**39 [NOM] Development Application DA12/0170.04 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos. 26- 28 Tweed Coast**

**NOTICE OF MOTION:**

**177**

**Cr C Byrne  
Cr P Youngblutt**

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**RESOLVED** that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:

1. Insert Condition No. 1.1 which reads as follows:

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

- Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
  - Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
  - First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;*
  - Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;*
  - Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;*
  - North Elevation, S96 07, Revision G, dated 23/10/2013;*
  - South Elevation, S96 08, Revision G, dated 23/10/2013*
  - East Elevation, S96 09, Revision G, dated 23/10/2013*
  - West Elevation, S96 10, Revision G, dated 23/10/2013*
  - Section A, S96 11, Revision G, dated 23/10/2013;*
  - Section B, S96 012, Revision G, dated 23/10/2013;*
  - Section C, S96 13, Revision G, dated 23/10/2013;*
- All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.*

2. Delete Condition No. 1A and replace it with Condition No. 1B which reads as follows:

1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- Construction of new covered entry including common amenities;
- Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;
- Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
- Conversion of room 6 and adjoining storage space into new kitchen store and communal lounge room;
- Renovation of existing serviced apartment and existing rooms 7 through 12 (identified as rooms 6 through 11 pm proposed plans) including room and balcony enlargement;
- Conversion of rooms 14 and 15 into a second serviced apartment;
- Renovation of existing external staircase access upgraded to comply with the Building Code of Australia (BCA)
- Construction of outdoor food and beverage service area;
- Construction lounge, bar and outdoor bar area;

- Construction of external bin storage area, equipment store and new at grade car parking;
- Partial site landscaping;
- Renovation of existing stair access to foreshore reserve; and
- Retention and renovation of existing swimming pool.

Stage 2:

- Construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and
- Partial site landscaping.

Stage 3:

- Construction of new caretakers dwelling, storeroom, common amenities and multipurpose space.

3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.

4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.

5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.

6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

*23A. 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 plan and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required work:*

- (a) *Vehicular access: construction of two (2) vehicular footpath crossings.*
- (b) *Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site*

*frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road*

*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]

7. Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:

29A. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of intrusive noise is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.

8. Delete Condition No. 69.

9. Delete Condition No. 89 and replace it with Condition No. 89A which reads as follows:

89A. The outdoor food and beverage service area is to be constructed as a separate structure and be demountable or relocatable.

10. Delete Condition No. 93 and replace it with Condition No. 93A which reads as follows:

93A. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1

- (a) Tweed Road Contribution Plan:  
12.92 Trips @ \$1186 per Trips \$15,323  
(\$1145 base rate + \$41 indexation)  
S94 Plan No. 4  
Sector7\_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$  heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads (trip one way)

\\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

- (b) Open Space (Casual):  
2.1 ET @ \$543 per ET \$1140  
(\$502 base rate + \$41 indexation)  
S94 Plan No. 5
- (c) Shirewide Library Facilities:  
2.1 ET @ \$838 per ET \$1760  
(\$792 base rate + \$46 indexation)  
S94 Plan No. 11

- |     |  |           |
|-----|--|-----------|
| (d) | Community Facilities (Tweed Coast - North)<br>2.1 ET @ \$1389 per ET<br>(\$1305.6 base rate + \$83.4 indexation)<br>S94 Plan No. 15  | \$2917    |
| (e) | Extensions to Council Administration Offices<br>& Technical Support Facilities<br>2.1 ET @ \$1860.31 per ET<br>(\$1759.9 base rate + \$100.41 indexation)<br>S94 Plan No. 18 | \$3906.65 |
| (f) | Regional Open Space (Casual)<br>2.1 ET @ \$1091 per ET<br>(\$1031 base rate + \$60 indexation)<br>S94 Plan No. 26  | \$2291    |

Stage 2

- |     |   |         |
|-----|---|---------|
| (a) | Tweed Road Contribution Plan:<br>12.4 Trips @ \$1186 per Trips<br>(\$1145 base rate + \$41 indexation)<br>S94 Plan No. 4<br>Sector7_4 | \$14706 |
|-----|---|---------|

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$  heavy haulage contribution

and:

- |        |   |
|--------|---|
| Prod.  | projected demand for extractive material to be hauled to the site over life of project in tonnes                  |
| Dist.  | average haulage distance of product on Shire roads (trip one way)   |
| \$Unit | the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre) |
| Admin. | Administration component - 5% - see Section 6.5   |

(b) Open Space (Casual): 6.5 ET @ \$543 per ET (\$502 base rate + \$41 indexation) S94 Plan No. 5	\$3530
(c) Shirewide Library Facilities: 6.5 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$5447
(d) Community Facilities (Tweed Coast - North) 6.5 ET @ \$1389 per ET (\$1305.6 base rate + \$83.4 indexation) S94 Plan No. 15	\$9029
(e) Extensions to Council Administration Offices & Technical Support Facilities 6.5 ET @ \$1860.31 per ET 2.02 (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	\$1209
(f) Regional Open Space (Casual) 6.5 ET @ \$1091 per ET (\$1031 base rate + \$60 indexation) S94 Plan No. 26	\$7092

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate for Stage 1 (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Stage 1

Water DSP6:	2.3612 ET @ \$12575 per ET	\$29,692.10
Sewer Hastings Point:	3.8827 ET @ \$6042 per ET	\$23,459.30

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

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Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[POC0675]

12. Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:

107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed Development Control Plan B25 this consent is subject to the owner of the subject land PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE creating a positive covenant under section 88E of the (*Conveyancing Act, 1919*) on the following terms:

- “(i) *The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed Development Control Plan B25 or any other subsequent iteration of that planning instrument.*
- “(ii) *The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:*
  - a. *In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.*
  - b. *The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.*
  - c. *The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25".*

13. Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:

111A. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{A90}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

14. Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:

113A Hours of operation of the business are restricted to the following:

- Enclosed Dining/Lounge/Bar areas and Outdoor Bar – 7am to 10pm Sunday to Wednesday and 7am to 12 midnight Thursday, Friday, Saturday, and gazetted NSW Public Holidays, and any Sunday immediately before gazetted NSW Public Holidays that occur on the Monday.
- Outdoor facilities, including pool and BBQ - 7am to 10pm Monday to Sunday. This shall be for a trial basis for a period of twelve (12) months from the commencement of use and a report be brought back to Council at the conclusion of the trial period.

15. Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:

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

1. The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:

- Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
- Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;
- First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;
- Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;
- Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;
- North Elevation, S96 07, Revision G, dated 23/10/2013;
- South Elevation, S96 08, Revision G, dated 23/10/2013;
- East Elevation, S96 09, Revision G, dated 23/10/2013;
- West Elevation, S96 10, Revision G, dated 23/10/2013.

### 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 to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. 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 documents '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 bushfire, 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:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'

### Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire 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:

5. 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'.
6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.

9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

#### Landscaping

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

General Advice – consent authority to note

#### Bushfire-Resisting Timber

- The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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## 40 [NOM] Holiday Rentals

### NOTICE OF MOTION:

178

**Cr C Byrne  
Cr W Polglase**

**PROPOSED** that Council brings forward a report regarding 'holiday rentals' in residential unit blocks and residential areas (single dwellings) currently zoned Residential 2(a) Local Environmental Plan 2000 (or similarly in the Draft Local Environmental Plan 2012). The report to include, but not limited to, the need for utilising residential lots for short term accommodation in the Shire, the restrictions on owners on using their lot for this commercial venture, any concerns raised to Council regarding 'holiday rentals' and the actions Council has taken against the owner of the lot, managing agent or the occupant of the lot in response to a complaint.

179

**AMENDMENT**

**Cr M Armstrong**  
**Cr B Longland**

**RESOLVED** that the matter be deferred to enable the view of a Citizen's Jury to be obtained. For the purposes of establishing a Citizen's Jury to consider the regulation of holiday lettings in residential unit blocks and residential areas (single dwellings) currently zoned 2(a) Local Environmental Plan 2000 (or similar in the Draft Local Environmental Plan 2012) Council:

1. Engage a suitably qualified external Consultant to guide the Citizen's Jury process;
2. Advertise the intention of the Council to explore the issues pertaining to holiday letting and calling for volunteers to participate in a Citizen's Jury;
3. With the advice of the suitably qualified external Consultant, select a panel of no more than fifteen (15) jurors based upon their availability for an appropriate period of time and to ensure that a balance of demographic characteristics, environmental attitudes, business activity, community participation, and involvement in local government; and
4. Undertake to review the recommendations of the Citizen's Jury within a period of six (6) months from the completion of the Citizen's Jury Process with a view to the preparation of a report to establish clear planning guidelines to regulate holiday lettings in residential unit blocks and residential areas (single dwellings) currently zoned 2(a) Local Environmental Plan 2000 (or similar in the Draft Local Environmental Plan 2012).

The Amendment was **Carried**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

The Amendment was Carried on the Casting Vote of the Mayor.

The Amendment on becoming the Motion was **Carried** - (Minute No 179 refers)

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr G Bagnall**

The Motion was Carried on the Casting Vote of the Mayor.

**A RESCISSION MOTION ON THIS ITEM HAS BEEN RECEIVED FROM COUNCILLORS, BYRNE, POLGLASE AND YOUNGBLUTT.**

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**41 [NOM] Parking at Kingscliff CBD**

**NOTICE OF MOTION:**

**180**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** that Council removes the restriction of 'front to kerb only' at the carpark in Kingscliff CBD and that the wheel stops be relocated approximately 300mm further away from the footpaths to cater for this change in circumstance subject to the concurrence of the Local Traffic Committee at their next meeting.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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**QUESTIONS ON NOTICE**

Nil.

**DELEGATE REPORTS**

Nil.

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**42 [SUB-ADC] Minutes of the Australia Day Committee Meeting held Wednesday 10 December 2013**

**181**

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that the Minutes of the Australia Day Committee Meeting held Wednesday 10 December 2013 be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall***

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**43 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 10 February 2014**

**182**

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that:

1. The Minutes of the Sports Advisory Committee Meeting held Monday 10 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**GB2.Committee Membership**

*That Council:*

1. *Amends the term of reference for the Sports Advisory Committee to increase the number of community representatives from five to seven.*
2. *Calls for nominations for three community representatives on the Sports Advisory Committee, one to fill the current vacant position plus two new positions, for the term of the current committee.*

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr G Bagnall**

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**44 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 February 2014**

**183**

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 12 February 2014 be received and noted; and
  2. The Executive Management Team's recommendations be adopted as follows:
-

**BA1. Responses from State Government regarding Requests for Assistance to Fund Erosion Problems.**

*That Council:*

1. *Forwards responses from State Government Ministers regarding assistance to fund erosion problems to local members, Geoff Provest and Thomas George.*
2. *The Tweed River Committee on behalf of Council, invites the local members to inspect the site.*

**A1. Environmental Levy**

*That the Tweed River Committee, in supporting the introduction of an environment levy, requests that consideration be given to projects consistent with priorities identified in the forthcoming environmental sustainability strategy.*

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**45 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 February 2014**

**184**

**Cr W Polglase**  
**Cr M Armstrong**

**RESOLVED** that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 February 2014 be received and noted.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr G Bagnall**

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**46 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 February 2014**

**185**

**Cr W Polglase**  
**Cr M Armstrong**

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**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 13 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**A2. Silkwood Terrace, Tweed Heads West**

*That subject to not meeting the RMS warrants for "Stop" signs the existing stop sign on Silkwood Terrace on the intersection of Piggabeen Road be replaced with a "Giveaway" sign.*

**A3. Mount Warning Road, Mount Warning**

*That a "Giveaway" sign and associated line marking be installed on Mount Warning Road at the passing bay for downhill traffic and a "No Overtaking or Passing" sign be installed at the other end of the one way section for uphill traffic.*

**A4. Mt St Patrick's Primary School - Parking Zones**

*That:-*

1. *The existing "No Parking" adjacent to the school be removed on Mooball Street.*
2. *The current Bus Zone along Mooball Street - In the morning revert to a "No Parking" zone between 8 - 9.30am and in the afternoon revert to a "Bus" zone 2.30 - 4.00pm school days".*
3. *The off road bus bay on Queensland Road be sign posted as a "Bus" zone 8am to 9.30am and a "No Parking" zone 2.30 - 4pm school days.*

**A5. Cane Road and Racecourse Road, Tyngah**

*That the "Giveaway" sign on Racecourse Road (northbound) at the intersection of Cane Road be replaced with a "Stop" sign and the associated line marking.*

**A6. Wharf Street, Murwillumbah**

*That subject to an approved Development Application for the installation of an outdoor dining area on Wharf Street:-*

1. *The existing two "No Parking" spaces on Wharf Street Murwillumbah adjacent to the barber shop be signposted as 2 hour during the normal business operating hours.*
2. *The existing disabled parking space on Wharf Street Murwillumbah adjacent to the Commonwealth Bank be relocated one space to the west.*
3. *Council's Equal Access Advisory Committee's comments be sought on the disabled space's relocation.*

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr G Bagnall***

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**47 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 20 February 2014**

**186**

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

**RESOLVED** that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 20 February 2014 be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr G Bagnall***

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## **CONFIDENTIAL ITEMS FOR CONSIDERATION**

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

**Cr B Longland**  
**Cr P Youngblutt**

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

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

### **REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

### **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C1 [PR-CM] Prosecution of Unauthorised Works at Site 199, Hacienda Caravan Park, Lot 2 DP 535174 Chinderah Bay Drive, Chinderah**

**REASON FOR CONFIDENTIALITY:**

This report has been made Confidential so as not to prejudice any future legal proceedings.

**Local Government Act**

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

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

**C 9**

That legal proceedings in the Land and Environment Court be instigated against the owner of Site 199 Hacienda Caravan Park, Lot 2 DP 535174 Chinderah Bay Drive, Chinderah as advised by Council's current legal representative for non-compliance with Council's Order dated 16 October 2013.

The Motion was **Carried**

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

***AGAINST VOTE - Cr C Byrne***

***ABSENT. DID NOT VOTE - Cr G Bagnall***

There being no further business the Meeting terminated at 9.55pm.

↑ ○

**Minutes of Meeting Confirmed by Council  
at the Meeting held on  
xxx**

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**Chairman**

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