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# Schedule of Outstanding Resolutions

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**19 JULY 2000**

**REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

**4. Strategic Planning Work Program**

**Strategic Planning Program**

**55**

**Cr Marshall**

**Cr Youngblutt**

**RESOLVED** that Council requests the General Manager to:-

1. Immediately initiate the employment of a full-time Strategic Planner on a three (3) year contract.
2. Report on opportunities for applicant's funding, offsetting the costs of this employment.

**Current Status:** To be finalised.

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**16 AUGUST 2000**

**REPORTS FROM DIRECTOR CORPORATE SERVICES**

**12. First Round Donations - 2000/01**

**Donations**

**185**

**Cr Luff**

**Cr James**

**RESOLVED** that a report be brought forward to Council on the allocation of funds from the donation amount towards the purchase of equipment to read the microfilmed copies of the Daily News.

**Current Status:** To be finalised.

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**186**

**Cr Luff**

**Cr James**

**RESOLVED** that Council requests a report on the possible purchase of equipment for use in the Tweed Heads Auditorium, being a hand held microphone and technology for visual arts presentations as requested by the Tweed Cultural and Performing Arts Society.

## Schedule of Outstanding Resolutions

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**Current Status:** Purchase being pursued. Report to December meeting.

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### 20 SEPTEMBER 2000

#### REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

27. **Awnings over Footpaths - Risk Management Policy and Procedures**

**Building Code**

335

Cr Luff

Cr Marshall

**RESOLVED** that Council develops an appropriate Risk Management Policy in conjunction with advice from Council's solicitors.

**Current Status:** To be finalised.

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### 4 OCTOBER 2000

#### REPORTS FROM SUB-COMMITTEES

2. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 September 2000**
4. **Vandalism of Vegetation**

**Dune Care**

370

Cr James

Cr Luff

**RESOLVED** that Council seeks a report to Council on the issue of options available to deal with destruction of dunal vegetation.

**Current Status:** Report to be finalised.

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7. **Bush Fires, Hastings Point**

**Dune Care**

372

Cr Luff

Cr James

**RESOLVED** that Council brings together Department Land and Water Conservation, National Parks and Wildlife Services, the Senior Fire Control Officer, and Council staff to develop a bushfire plan of management for various bushland areas.

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## Schedule of Outstanding Resolutions

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**Current Status:** Meeting has been arranged.

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### 18 OCTOBER 2000

#### REPORTS FROM DIRECTOR CORPORATE SERVICES

##### 8. Quarterly Budget Review - 30 September 2000

**Budget**

403

Cr Marshall

Cr Youngblutt

**RESOLVED** that a report be brought forward to enable consideration of the remaining 9 months of the current budget, and the Councillors communicate to the General Manager items to be considered in the review.

**Current Status:** Report to be finalised.

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#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

##### 4. Bush Fires, Hastings Point

**Bush Fire Brigades, Rainforest, SEPP, Notice of Rescission**

Cr Beck

Cr Brinsmead

**PROPOSED** that Council resolution at Minute No 371 in relation to Item 7 of the Meeting held 4 October 2000 being:-

".....that Council:-

1. Mounts an investigation to determine who was responsible for the fire in the SEPP 26 Littoral Rainforest at Hastings Point.
2. Takes appropriate action on the outcome of the investigation.

be rescinded."

The Motion was **Lost**

**Current Status:** Investigation Progressing.

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# Schedule of Outstanding Resolutions

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## 1 NOVEMBER 2000

### REPORTS FROM DIRECTOR ENGINEERING SERVICES

**1. McAllisters Road, Farrants Hill Road Sealing**

**Farrants Hill Rd, R2000 Pt1, McAllisters Rd, R3130 Pt1**

**465**

**Cr Boyd**

**Cr Brinsmead**

**RESOLVED** that Council:-

1. Requests a report as outlined in the Director Engineering Services' memo to Councillors on gravel roads dated 24 October 2000 and
2. Formulates a firm policy based upon this report.

**Current Status:** Policy being prepared.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

**18. Proposed New Clubhouse - Cabarita Beach Surf Life Saving Club**

**Surf Lifesaving Section 94 Plans,GT1/S94/16**

**468**

**Cr James**

**Cr Luff**

**RESOLVED** that:-

1. A report be prepared on the cost of borrowing against the projected income of \$500,000 for a new surf clubhouse at South Kingscliff/Cabarita under draft S94 Plan No 16.
2. Costs be calculated on the basis of repayment over 15, 20, 25 and 30 years.
3. The Director Development Services provides an answer to the committee on the question of where funds collected under draft S94 Plan No 16 can be spent.

**Current Status:** Report being prepared.

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**21. Works Program for Toilet Block Construction Purposes**

**Public Toilets**

**472**

**Cr Youngblutt**

**Cr Lawrie**

**RESOLVED** that:-



## Schedule of Outstanding Resolutions

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1. Council adopts the following construction works program for public toilets:
  - Hastings Point refurbishment
  - Cudgen Headland toilet service provision
  - Pioneer Park toilets sewer connection
  - Boyds Bay Boat Hire & Tweed Heads Rowing Club sewer connection
  - Knox Park, Murwillumbah Community Centre toilet replacement
2. The Director Environment & Community Services be requested to bring forward a report on the Queen Street toilet block as a matter of urgency.
3. A report be submitted on the upgrading of the toilet block at Minjungbal Drive, South Tweed Heads.

**Current Status:** Report to December meeting.

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2. **Minutes of the Sports Advisory Committee Meeting held Tuesday 17 October 2000**  
**GS9/2/3 Pt3 116 398**
5. **Les Burger Building**

**Les Burger**

478

**Cr Polglase**

**Cr Boyd**

**RESOLVED** that the information outlining funding options available to Council to upgrade Les Burger Fields be included in a report to Council on the proposed skate park facility at Cabarita.

**Current Status:** Report to be finalised

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# Schedule of Outstanding Resolutions

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# Items Deferred

## ITEM DEFERRED FROM MEETING HELD 7 JUNE 2000 & 2 AUGUST 2000

Resolution of 7 June 2000:

4. *Extensions to Kingscliff Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff*

*DA4170/100 Pt2*

1737

*Cr Polglase*

*Cr Davidson*

*RESOLVED that this matter be deferred to enable the applicant to improve the application to respond to the reasons for refusal recommended in the report and the Director Development Services report back to Council in 8 weeks.*

Resolution of 2 August 2000:

9. *Development Application - Proposed Extensions to Kingscliff Shopping Centre*

*DA4170/100 Pt2*

115

*Cr Luff*

*Cr Polglase*

*RESOLVED that this report be received and noted.*

**BOTH FORMER REPORTS ARE INCLUDED.**

**This item is the subject of a further report at Item 1 of the Agenda**

### Report from Meeting 7 June 2000:

4. **ORIGIN:** Development Control Unit

**FILE REF:** DA4170/100 Pt2

**REPORT TITLE:**

**Extensions to Kingscliff Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff**

**SUMMARY OF REPORT:**

## Items Deferred

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This development application proposes extensions to the Kingscliff Shopping Centre. There has been extensive consultation in relation to this application and despite this it is considered that the design submitted is not satisfactory in respect to the lack of car parking, inadequate loading/servicing facilities for the speciality shops, relationship of the development to the adjoining properties and to Turnock Street and Pearl Streets.

### **RECOMMENDATION:**

That the development application lodged by Chen-Yu Pty Ltd for extensions to the Kingscliff Shopping Centre at Lot 20 DP 771632, Lot 2 DP 582165 and Lots A and B DP 396088 Pearl Street, Kingscliff be refused for the following reasons:-

1. The number of car parking spaces proposed to be provided does not comply with the provisions of DCP2 - Site Access and Parking Code.
2. Traffic circulation is not satisfactory in respect of manoeuvring required to access the loading dock/garbage bin storage area for speciality shops which is adjacent to south western property boundary.
3. Inadequate information in relation to delivery vehicle sizes has been submitted to determine the suitability of the loading facility for the proposed fast food outlets.
4. The proposal is likely to have an adverse impact on the potential future development of land to the south west for residential purposes in respect to visual impact and overshadowing.
5. The proposed development will not promote pedestrian activity in Turnock and Pearl Streets.
6. The proposed development will not make a positive contribution to the commercial area of Kingscliff in terms of overall urban design and fails to meet the objectives of the draft Kingscliff Urban Design Plan.
7. Information required to satisfy the provisions of Clause 35 of the Tweed Local Environmental Plan 2000 has not been submitted.
8. The proposal is inconsistent with the provisions of the Tweed Shire 2000+ Strategic Plan.

## Items Deferred

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### REPORT:

**Applicant:** Mr C Moeller  
**Owner:** Chen-Yu Pty Ltd  
**Location:** Lot 20 DP 771632, Lots A and B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff  
**Zoning:** 3(b) General Business Zone  
**Est. Value:** \$1.7M

### BACKGROUND

Development applications for extensions to the Kingscliff Shopping Village (K99/328) and for proposed fast food outlets (K98/119) have previously been refused under delegation by the Director, Development Services by notices dated 4 June 1999. The reasons for refusing these applications are as follows:-

#### **K99/328 - Proposed extensions to the Kingscliff Shopping Centre.**

- “1. *The applicant has failed to adequately recognise the relationship of the site with its two street frontages and existing on site developments and adjacent, future development potential*
2. *The proposal does not adequately allow for pedestrian activity. The current design will in no way enhance the street or promote pedestrian activity.*
3. *The proposed loading dock facility is unsatisfactory. In this regard the facility is adjacent land zoned for future residential purposes, however the application provides no details on any proposed measures to mitigate expected adverse impacts. In addition, the application fails to adequately demonstrate that the loading dock is satisfactory in respect to vehicular circulation.*
4. *The proposed development will not make any real positive contribution to the urban design and to the architectural quality of the Kingscliff precinct nor achieve the objectives of the draft Kingscliff Urban Design Plan.*
5. *The proposal fails to adequately demonstrate that the two small clumps of a rare local species, a palm lily, situated on the site, can be retained.*
6. *The proposal fails to consider future amenity and design issues in the locality.*
7. *The proposal is inconsistent with Councils Development Control Plan 2- Parking Code both in terms of quantum of car parks and the objectives of the plan.*
8. *The proposal is inconsistent with Tweed Shire 2000+ Strategic Plan.”*

#### **K98/119 - Proposed Fast Food Outlets.**

- “1. *The applicant has failed to adequately recognise the relationship of the site with its two street frontages and existing on site developments and adjacent, future development potential*

## Items Deferred

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2. *The proposal does not adequately allow for pedestrian activity. The current design will in no way enhance the street or promote pedestrian activity.*
3. *The proposal does not adequately integrate with the current buildings on site.*
4. *The proposed development will not make any real positive contribution to the urban design and to the architectural quality of the Kingscliff precinct nor achieve the objectives of the draft Kingscliff Design Plan.*
5. *The proposal fails to consider future amenity and design issues in the locality.”*

The applicant has now undertaken further investigations and lodged a new development application which attempts to address the concerns raised with the previous proposals.

### PROPOSAL

The new development application seeks consent for extensions to the Kingscliff Shopping Centre. The subject land contains three separate buildings being the main shopping centre building, a building containing offices and professional suites and a service station.

The subject land comprises of the following properties:-

- Lot 20 DP 771632 - This lot has an area of 9791m<sup>2</sup> with frontage to Pearl Street. This lot contains the existing service station, the bulk of the existing shopping centre, the office/professional suites and associated car parking.
- Lot 2 DP 582165 - This lot has an area of 4210m<sup>2</sup> with frontage to Pearl Street. This lot contains a small part of the existing shopping centre including the post office and some car parking.
- Lot B DP 396088 - This lot contains an area of 2017m<sup>2</sup> with frontage to Pearl Street. This lot adjoins the northern boundary of the existing residential units in Pearl Street. This land is vacant.
- Lot A DP 396088- This lot contains an area of 3313m<sup>2</sup> and has frontage to both Pearl Street and Turnock Street. This land is vacant.

Figure 1 shows the location of the subject land.

It is proposed to undertake the development in 2 stages as follows:-

- Stage 1 - An extension of the main shopping centre building to the north west towards Turnock Street. This extension comprises a new Franklins supermarket, ten speciality shops and associated parking and landscaping. This building has a gross floor area of approximately 3582m<sup>2</sup>.
- Stage 2 - The construction of two fast food shops adjacent to the existing service station. The gross floor area of these buildings is approximately 130m<sup>2</sup>.

The design of the development makes provision for a future stage on the corner of Turnock Street and Pearl Street above the proposed excavated car parking area.

# Items Deferred

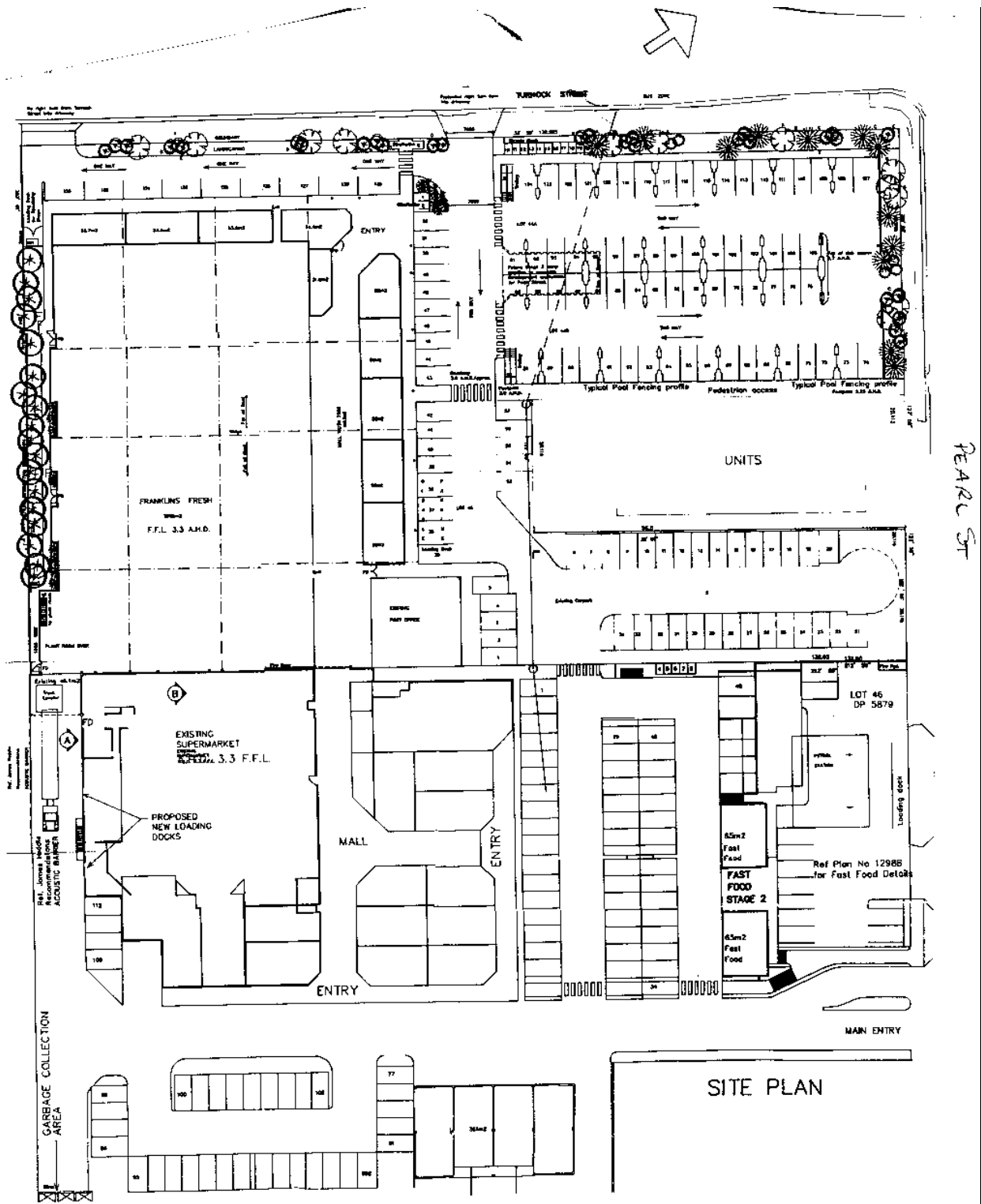
Figure 2 shows the proposed development.

**Figure 1**



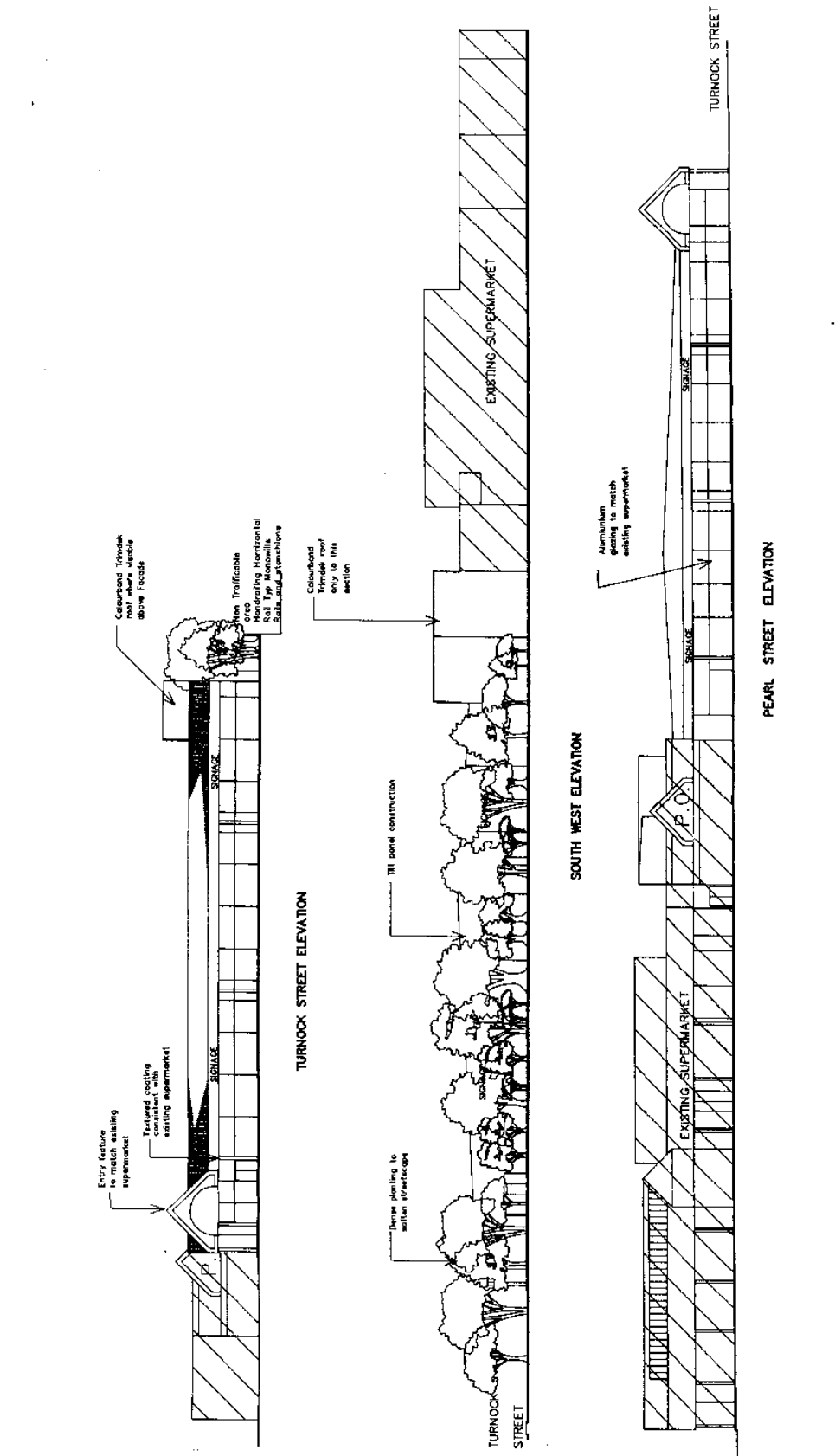
# Items Deferred

Figure 2





# Items Deferred



## Items Deferred

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### CONSULTATION

Although not statutorily required, the development application was advertised and adjoining owners notified of the proposed development.

A total of two submissions were received. The first submission raised concerns about the existing loading facilities at the liquor store and the proposed arrangements for loading for the additions. Although the submission is not clear as to the specific objections to the proposal, verbal advice indicates that the concern is that trucks which use the existing loading facilities are causing a noise nuisance to residents who occupy the units adjacent to the site along Pearl Street. The objector considers that loading facilities should be provided from Turnock Street to the rear of the building. It is considered that this is not appropriate due to the adjacent land to the rear being zoned for future residential development.

A summary of the second submission is provided below.

- In principle, there is no objection to retail development however issues raised have not been addressed.
- The present proposal would have severe negative impacts on the future development of adjacent land. This adjacent land is ideal for higher density housing due to its proximity to shops and the beach.
- The proposal has the potential to prejudice the future development of adjacent land for residential housing. These issues need to be resolved. The impacts are:-
  - noise impacts
  - drainage impacts
  - inadequate details are provided on proposed landscaping
  - unacceptable visual amenity impacts
  - lighting of the proposed extensions due to the proximity of the adjacent residential land
- Noise - the noise report contains some inconsistencies and unsatisfactory impacts. No background noise studies were taken. The recommendation in the report concerning hours of operation are not acceptable. More reasonable to limit the hours to 7am to 7pm. All noise control measures (including fencing) should be provided by applicant.
- Drainage - the design does not incorporate any of the recommendations of the Kingscliff Catchment and Drainage Management Plan concerning commercial developments in Kingscliff. These recommendations include:-
  - use of grass swales where practical
  - installation of rainwater tanks
  - use of infiltration tanks

## Items Deferred

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- the use of impervious paving should be discouraged

by not including these features downstream impacts could be made worse.

No details are provided to quantify Q100 overland flows and impacts on adjoining land.

- Visual impacts - building is too close to the common boundary. It has a bulky appearance that turns its back on the adjacent site. Concern with shadow impact. Large sealed areas in proximity to boundary points to an overdevelopment of the site.
- Landscaping on southern boundary - application makes no meaningful attempt to mitigate visual impacts through the use of dense planting. Most of the proposed trees are sited on the edge of the retaining wall. Trees may not survive in this location or reach mature height. A tall dense buffer is required to reduce the visual impact.
- Lighting - no details submitted on nature and extent of lighting, hours of operation of lighting, degree of illumination or likely impact on adjacent land.

The issues raised in the submission will be discussed in the Section 79C1 assessment.

In addition, prior to the development application being lodged there has been numerous meetings with Council staff and Council's design consultant, Peter Richards of Diecke Richards. Council's design consultant provided a site layout which would provide a more workable solution for the site in terms of presentation to the street frontages, pedestrian movement and traffic movement. The development application submitted has incorporated some suggestions provided by Council staff and the consultant however, it is considered that the proposal fails to provide a desirable outcome for this important site.

Upon lodgement of the development application, the proposal was forwarded to Diecke Richards who maintains that their preferred position in relation to the development of this site is in accordance with the plan they prepared which is shown as Figure 3. However, comments were provided in relation to drawings submitted and these are summarised as follows:-

### Site Planning

- Active street frontages facing internal driveways are supported although shop frontages 3m from Turnock Street are preferred.
- The Kingscliff Urban Design Plan recognises a building on the corner of Pearl and Turnock Street as very important. Whilst a building is proposed to be constructed in the future, the building in the development application lacks proper explanation of the design. Additional drawings are needed to fully represent the proposed building.

### Access and Pedestrian Amenity

- No improvements to the existing footpaths are shown. Improvements along Pearl and Turnock Streets should be incorporated including:-
  - street tree avenue planting
  - paving on footpath to the full length of the street frontage

## Items Deferred

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- 3m setback to Pearl Street from the car park area
- safe pedestrian crossings
- fencing to parking areas

### Architectural Character

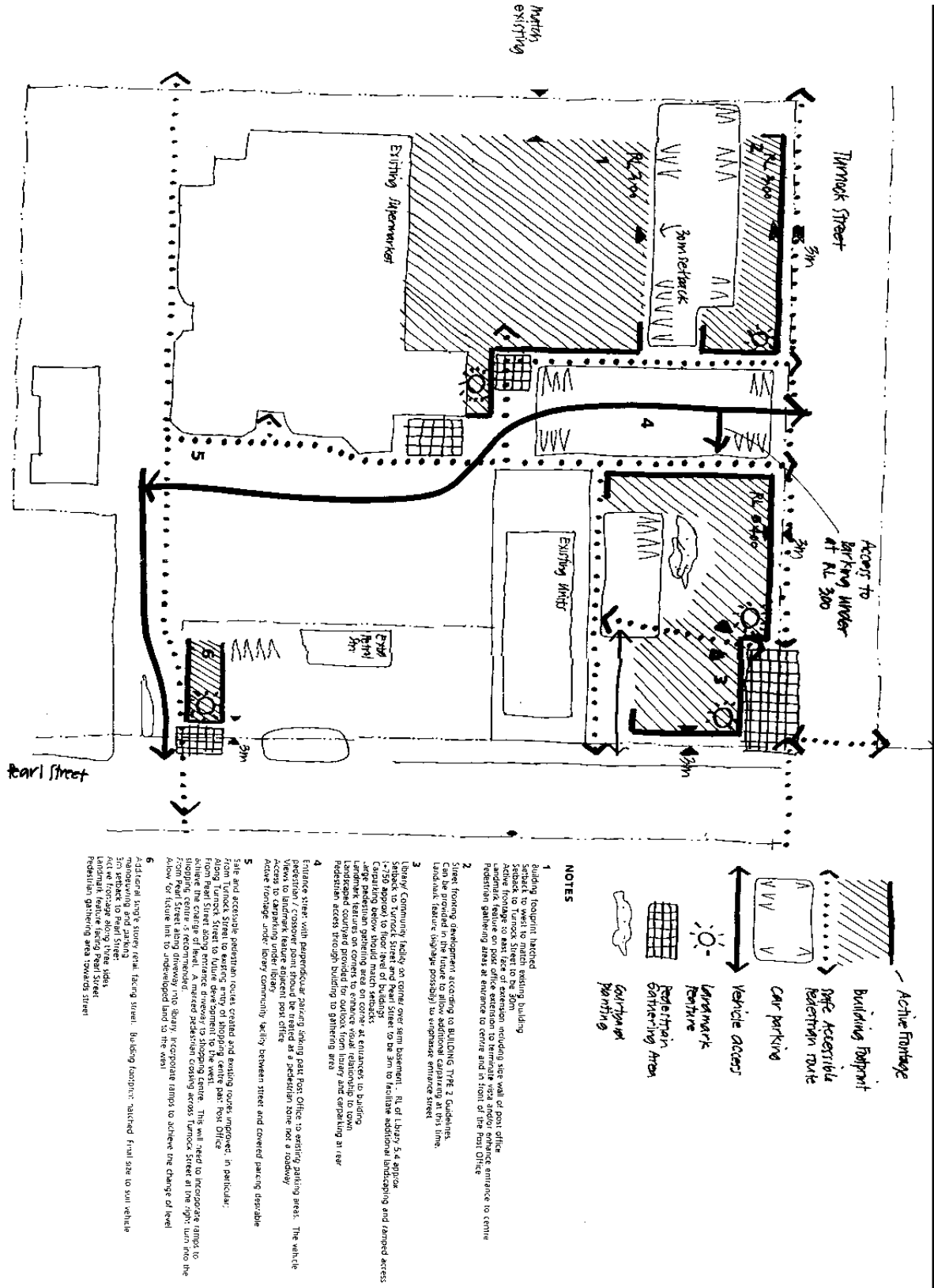
- The decorative gable element should be located above the entry not in the centre of the Turnock Street elevation.

Some of the suggestions made above have been incorporated into an amended proposal. Other matters may be included as conditions on any consent. It should be noted that this development application does not propose the construction of the building on the corner of Turnock Street and Pearl Street and therefore detailed plans have not been lodged. However, the provision of any substantial development on the corner which would contribute to the streetscape may not be possible due to restrictions on car parking spaces. Any development on the corner would be restricted in floor area due to the lack of car parking that can be provided on the site. This matter will be further discussed later in this report.

Council staff have been advised that the design submitted is in response to the floor area and layout required by Franklins, who will move from their existing premises to the new addition. It is considered that this objective could be achieved by extending their existing premises which would provide a more workable solution for the site.

# Items Deferred

Figure 3



## Items Deferred

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### EVALUATION

The following is an assessment of the application under the provisions of Section 79C1 of the Environmental Planning & Assessment Act, 1979.

(a) (i) **The Provisions of any Environmental Planning Instrument**

**Tweed Local Environmental Plan 2000 (TLEP 2000)**

The subject land is zoned 3(b) General Business zone under the provisions of TLEP 2000. The provision of additional retail floor space as proposed by this development meets the primary objectives of the zone. The following clauses of the TLEP 2000 also apply.

Clause 15 - Availability of Essential Services

Water and sewerage services are available to the site and the proposal is consistent with this clause.

Clause 17 - Social Impact Assessment

The proposed development is unlikely to have a social or economic impact that is of a scale to warrant the preparation of a social impact statement.

Clause 35 - Acid Sulfate Soils

This clause requires that Council must not grant consent to works unless it has considered a preliminary soil assessment and where necessary, an acid sulfate soil management plan. A preliminary assessment has not been undertaken by the applicant. However, it should be noted that the development application was lodged prior to gazettal of TLEP 2000 when this clause was not in force. Councils Environment and Health Services Unit has raised no objections to the proposal in this regard subject to conditions, however, if Council considers that approval of this proposal is appropriate any consent should not be issued until such time as this clause has been complied with.

**North Coast Regional Environmental Plan 1988**

Clause 32B - Coastal Lands - this clause requires consideration be given to the NSW Coastal Policy, the Coastline Management Manual and the North Coast Design Guidelines. The proposal is not inconsistent with the provisions of these policies.

**State Environmental Planning Policies (SEPPs)**

SEPP11 - Traffic Generating Developments

The development application was considered by the Local Traffic Committee. The minutes of the Committee are as follows:-

*“In accordance with mandatory provisions of SEPP11 Local Traffic Committee approval is sought regarding a development application for additions to the Kingscliff Shopping Centre incorporating an additional 3700*

## Items Deferred

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*square metres of retail area and two fast food outlets adjacent to the existing service station.*

*The Committee recommended that the following be considered.*

- 1. Truncation on corner Pearl Street/Turnock Street for future road widening.*
- 2. Protected right turn lane into eastern driveway in Turnock Street.*
- 3. No right turn from Turnock Street into western driveway.*
- 4. Details on how deliveries are made to the six speciality shops without disrupting traffic flow, especially on main access road.*
- 5. Bike racks 1-3 conflict with Taxi and Disabled spaces.*

*For Council's information".*

In relation to points 1, 2 and 3 these matters can be adequately addressed by conditions of any consent. Amended plans have been provided which provide for a loading dock adjacent to the southern boundary. Access to this dock is difficult and is likely to result in traffic conflict near the one way exit onto Turnock Street. Amended plans have satisfactorily addressed point 5 above.

**(ii) The Provisions of any Draft Environmental Planning Instrument**

No draft Plans are applicable to this proposal.

**(iii) Any Development Control Plans (DCPs)**

DCP2 - Site Access and Parking Code

Under the provisions of this Policy and previous consents for the site a total of 243 car parking spaces are required to be provided on site for the existing and proposed building. A total of 230 are proposed resulting in a shortfall of 13 spaces. These calculations are based on gross floor area for the addition and include the 20% reduction in car parking spaces permitted under the Code. The development application is accompanied by a traffic report which concludes that the proposed development will not create any adverse impacts with respect to traffic parking and access. However, this report was based on the first set of plans which were lodged with the application. Amended plans were then submitted which included an increased floor area and reduced parking spaces which do not comply with DCP2.

It is noted that the applicant has included 3 car parking spaces which are part of a pedestrian pathway and a loading dock in their parking calculations. These have not been included in the above assessment.

## Items Deferred

### DCP5 - Development of Flood Liable Land

The subject land slopes down from Pearl Street to the rear of the site. The rear of the land is below the design floor level. However, filling is proposed which will result in the development being above the design flood level.

### DCP9 - West Kingscliff

The subject land is affected by this Plan. The Plan nominates the site for business uses. Other features of the plan include low density housing to the rear of the site with a drainage reserve adjacent to this boundary. The plan also provides for a footpath/cycleway along Turnock Street adjacent to the site which will be required as a condition of any consent. The DCP does not contain any specific provisions in respect of commercial development outside residential areas.

### DCP15 - Advertising Signs

Provision has been made in the facade of the building for future signage.

#### **(iv) Any matter prescribed by the Regulation**

The proposal is satisfactory in respect of the matters for consideration in the Regulations.

#### **(b) The likely impacts of that development including impacts on both the natural and built environment, and social and economic impacts in the locality**

##### Context and Setting

As previously discussed, the land is on the corner of Turnock Street and Pearl Street. Land to the rear is vacant but is identified for future residential development. Land to the south east contains a church and school which will not be impacted on by the proposed development.

The Pearl Street frontage is punctuated by a block of residential units which contains one level of car parking and 2 levels of units. The allotment containing the units is surrounded by the development site which contains existing parking to the south east and proposed parking to the south and north west (see Figure 2). The proposed development is likely to impact on the residents of these units through noise and lighting. Some impacts are to be expected given the location of the units in a commercial zoning however if the proposal is to be approved conditions of consent will need to be included to minimise lighting effects on the residents.

A new car parking area is proposed in the corner of Turnock Street and Pearl Street. This car parking area will be excavated approximately 2.0 metres to enable future development above the parking area. This parking area is setback 3.0 metres from both street frontages and the setback will be landscaped. The proposed building addition is setback approximately 10 metres from Turnock Street. This setback contains 2 metres of landscaping, parking and an access aisle. The setback to the rear boundary varies from 1.6m to 4.5m. A majority of the wall is setback 3.5 metres with a 2.0m landscape strip. The wall varies in height from between approximately 5.0 metres and 8.8 metres.



## Items Deferred

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There are a number of issues relating to the proposed development and its impact on the adjoining land to the south west which is undeveloped but nominated for low density development housing. Therefore, it is important that any future development on the subject land takes into consideration the likely residential development.

It should be noted that the DCP9 map shows a drainage reserve adjacent to the subject land within the residential zone. This reserve has a width of up to 50 metres.

This drainage reserve has not been created and whether or not it is developed in the location shown will be a factor in determining whether or not the proposed development is satisfactory in respect of the likely impact on likely future residential development. In respect of the location of this drainage reserve Council's Infrastructure Engineer has advised that the drainage reserve indicated on the DCP9 plan is still proposed, however its location on that plan is schematic and will not necessarily be in the exact location shown. The plan is indicative only in that there will be a drainage reserve and trunk drain in this general location for the purpose of conveying stormwater from the existing urban area south east of Turnock Street in a south westerly direction to ultimately junction with the major south to north drain through West Kingscliff. Additionally, when the WBM report into West Kingscliff drainage is finalised it is proposed to amend DCP9 to more accurately reflect current drainage strategies for the area. The Statement of Environmental Effects lodged with the development assessed the impacts of noise, overshadowing and visual compatibility with the residential land on the assumption that the drainage reserve will not eventuate.

A noise report was lodged with the development application indicates two main noise sources associated with the proposed extension being the mechanical services plant and goods vehicles accessing the delivery dock. The assessment concludes that the following management measures would effectively mitigate predicted impacts.

- restricting goods vehicle delivery hours from 7am to 10pm
- acoustically screening roof mounted condenser units
- installing an acoustic barrier adjacent to the loading bay area

The application states that these measures are not required until such time as the adjoining land becomes developed.

The noise report has been reviewed by Council's Environment and Health Services Unit and no objections raised subject to conditions of consent. The Health Unit has advised that deliveries should be restricted from 7am to 7pm and that as the extension will cause increased traffic for deliveries, the acoustic barriers should be put in place during the proposed extensions, regardless of any future residential development. There is a history of complaints from a resident in Boomerang Street who is currently impacted by garbage delivery and vehicle movements on the site.

In respect of likely lighting impacts, a condition of any consent will require that light spill is to be contained within the property boundaries and details lodged prior to issuing any construction certificate.

## Items Deferred

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The plans originally lodged with the development application provided for a 7.3m setback which would have provided an adequate area for dense landscaping and satisfactory shadowing impacts on the adjacent land. Amended plans have now been lodged which provide for a maximum 2 metre landscape buffer. Any landscaping in this area is unlikely to form a dense screen given the height of the walls. The planting proposed may also impact on the retaining wall due to the root structure of the plants. As the adjacent land is low lying and will be required to be filled for any future residential development, no significant views would be lost as a result of the development. However, the resulting impact would be views of the rear of the development. Although, an attempt has been made to soften the impact through varying setbacks and landscape, it is considered that the setbacks are not large enough to achieve any real landscape buffering effect.

The shadowing impacts on the adjacent land extends onto the adjacent land from between 6 metres and 20 metres in winter (mornings). If the immediate adjacent land is developed for residential uses rather than drainage, this impact will be unacceptable. It is noted that the uncertainty concerning the location of the drainage reserve makes it difficult for the applicants to design their proposal.

### Access, Traffic and Transport

The issue of the lack of car parking has been previously discussed.

It is proposed to utilise the existing access from Pearl Street and create two new access points onto Turnock Street. No objections has been raised by Councils Engineering Services Division or the Local Traffic Committee in relation to the access subject to conditions.

The loading facility/bin storage area adjacent to the speciality shops is not satisfactory as vehicles will be required to use the Turnock Street road reserve to manoeuvre into the space due to the one way direction of traffic circulation in this location. Loading facilities for the supermarket will utilise the existing loading area, with 2 new docks proposed. The loading area for the proposed fast food outlet is proposed within the driveway area of the service station. No details have been lodged as to the likely truck sizes of the service vehicles to determine whether or not the loading area is satisfactory.

The overall traffic circulation for the site is not ideal and a conflict point is likely to occur between where the existing development joins the new development. This is largely unavoidable due to the existing layout and the location of the property which contains the units. If Council considers that approval of this application is appropriate, a condition of consent should require pavement treatment and signage in this location.

### Design

In 1998 the draft Kingscliff Urban Design Plan was prepared by consultants Diecke Richards on behalf of Council. This plan aims to improve the overall design of developments, develop an identity for Kingscliff and make the town more “livable” for residents and tourists in terms of pedestrian routes and meeting places. The Plan indicates that “landmark” features and “activity nodes” which help places to achieve a

## Items Deferred

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sense of identity should be incorporated into the design of the site particularly on the corner of Turnock Street and Pearl Street and along Turnock Street itself. The proposed design does not achieve these objectives. Additionally, the Plan indicates that building forms should be orientated towards the street frontages but recessed to promote active street frontages. The present design does not achieve any possibility for active street frontages as car parking and access aisles essentially front the street and future development on the corner of Turnock Street and Pearl Street is limited due to limited car parking numbers. The proposal also does not meet the “building type” guidelines contained in the Plan.

The general concept is considered consistent with the zone objectives and the retail floor space will service the daily and weekly needs of the surrounding population. The design, however is considered substandard and does not present an example of what should be expected of such an important commercially zoned site. The proposal will no doubt provide social and economic benefits. It is however essential to ensure that the site is developed in a way which provides appropriate acknowledgment to its surrounds. The current proposal, including both the supermarket/speciality shops and fast food outlets, does not adequately recognise the importance of the site and in particular fails to address the sites street frontages. It is considered that it would be more desirable that the speciality shops be built to the street, in order to provide a focal point and ultimately making the street more visually interesting. The current design will in no way enhance the street or promote pedestrian activity. Due to the layout of the service station it is not possible to construct the fast food outlets on the street frontage and overall it is considered that fast food outlets in this location is not suitable and the proposal is simply trying to develop too much on the site which is constrained by the existing layout of surrounding developments.

The proposed fast food outlets are well setback from Pearl Street. The design screens the Shopping Centre itself from Pearl Street and given the setback the design will not enhance the street or promote pedestrian activity.

The development should ideally, primarily contain high quality buildings which compliment the existing retail centre. The proposed development is inconsistent with the draft Kingscliff Design Plan.

The issue is not whether an expansion of the shopping centre should be permitted, but whether what is proposed is suitable urban design utilising best practice approaches. It is understood that the plans lodged meet the floor space and design requirements for Franklins and this is achieved by relocating to a new part of the site. However, adequate site area is available for expansion where the supermarket is presently located which would result in the remainder of the site being available for more appropriate development on this important site.

It is suggested that the site has opportunity to show some diversity in both form and character. It is considered that the speciality shops must be adjacent to but slightly recessed from the front property boundary of Turnock Street in order to achieve a successful streetscape and future development of the corner is an important component

## Items Deferred

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of the development of the area. The site has an opportunity to play a major role as a type of framing element in respect to Turnock Street.

Redevelopment of the site should strengthen both the built form and overall commercial activity of Kingscliff shopping centre. It is considered that the current proposal does not achieve this desirable urban design outcome.

The proposed building will not make any real positive contribution to the urban design and to the architectural quality of the Kingscliff precinct nor achieve the objectives and design principles of the draft Kingscliff Urban Design Plan.

The subject site offers a relatively unique opportunity for a development which could greatly assist in determining the future character of Kingscliff, and as such any development should provide adequate street presentation. The proposal appears to be fundamentally weak in this respect, and it is apparent that the proposed development is one which does not present as having any substantive form and has not been designed with an emphasised street or corner presentation.

Overall, the proposal provides car parking, setbacks and landscaping which are all inadequate which indicates that the proposal is an overdevelopment of the site.

### Utilities

Water and sewer services are available to the site. One of the objectors raised concerns regarding site drainage and impacts on land to the south west. Councils Infrastructure Engineer has reviewed the drainage proposed and has advised that the point of discharge proposed by the proponent is into Council's existing pipe in Turnock Street which discharges further south west (along Turnock Street) adjacent to Gales Holding land. In its present form the development proposal is likely to increase peak flows and pollutant concentrations across Gales Holdings land to the south west.

The proposal will increase the impervious cover to almost 100% of the site, decrease the stormwater runoff time of concentration and result in substantially increased peak stormwater flow rates. There is no overland flow path available in Turnock Street as there is a sag in the longitudinal gradient of the street adjacent to the subject property. The uncommitted capacity of the existing 750mm pipe is also very limited. To accommodate Q100 flows and minimise nuisance increase to downstream owners it will therefore be necessary to limit discharge from the site (into Council's 750mm pipe) to the pre-development Q5 level (0.17 cu.m/sec). This flow rate can be achieved by on site detention or retention or a combination of both.

The proposal does not utilise any best practice methods of improving stormwater quality (eg. Source control, use of grass swale drains and filter strips, infiltration, porous pavements, etc) and relies entirely on an "end of pipe solution" being a proprietary GPT. It would be preferable to reduce the dependence on the GPT and redesign the site and landscaping to include some of these softer water treatment solutions.

Conditions will be placed on any consent concerning the drainage limitations referred to above.

## Items Deferred

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### Flora and Fauna

Vegetation cover on the site primarily consists of grasses, weeds and some remnant garden species from the previous use of the land for residential purposes. Two small clumps of the Cordyline Congesta (Palm Lily) is also present on the site. This plant is a ROTAP species but not a threatened species. It is proposed that removal and transportation of the species will occur as part of the site works. This work would be undertaken by a qualified nurseryman and will be conditioned accordingly if Council considers it appropriate to issue consent.

### Social and Economic Impacts

The proposal will have benefits to the community in terms of servicing retail needs and the fast food outlets will benefit the service station. However, the proposal benefits would be increased by providing a facility which provides pedestrian activity by providing active street frontages.

#### **(c) The Suitability of the Site for the Development**

The site itself is considered suitable for redevelopment, however the current proposal is considered to be an overdevelopment of the site and fails to adequately address its relationship with the adjoining properties and the relationship of its frontages to Turnock Street and Pearl Streets.

#### **(d) Any Submissions made in accordance with the Regulations or Act**

The submissions made have been outlined in the 'consultation' section of this report.

#### **(e) The Public Interest**

It is accepted that the proposal will have obvious social and economic benefits in that it will provide residents of the locality a larger shopping facility in an established commercial precinct. It is however considered that the overall design of the proposal is unacceptable and the site lends itself to a design which provides active street frontages in this important location.

Council also needs to take into consideration the provisions of the adopted Tweed Shire 2000+ Strategic Plan. In this regard policy and action number 104 is relevant and it states:-

*"Council will employ contemporary urban design principles to maximise the desirability of town and distinct centres for public use. Consideration will be given to social interaction, recreation, amenity, culture, delivery of support services and the transaction of commerce".*

It is considered that contemporary urban design principles have not been employed with this proposal and therefore the application is inconsistent with this provision of the Plan.

### **LEGAL/FINANCIAL/RESOURCE IMPLICATIONS**

If the applicant is not satisfied with Council's determination they have a right of appeal to the Land and Environment Court.

## Items Deferred

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### OPTIONS

Options in this instance appear to be as follows:-

1. Advise the applicant that Council will support the application subject to acid sulfate soil information being submitted to satisfy Clause 35 of the Tweed Local Environmental Plan 2000 prior to any consent being issued.
2. Refuse the application as recommended.

### CONCLUSION

For the reasons outlined in the above assessment it is considered that the application is not suitable for consent.

To refuse the application does not mean that the site is in any way sterilised for redevelopment. A new design could be developed which was consistent with the overall intent of the draft Kingscliff Design Plan. Any proposal should better respect the existing shopping centre and more emphasis is required to ensure adequate street presentation occurs. This proposal is simply proposing an overdevelopment of an important site. It is however accepted that Council should not dictate a precise design for the site and should allow for some freedom in respect to design solutions but based upon best practice planning and urban design principles.

The development will not take advantage of the site by providing a quality and useful landmark to proclaim the existence of the Kingscliff Shopping Centre.

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## Items Deferred

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### Report from Meeting 2 August 2000:

**9. ORIGIN: Development Control Unit**

**FILE REF: DA4170/100 Pt2**

**REPORT TITLE:**

**Development Application - Proposed Extensions to Kingscliff Shopping Centre**

**SUMMARY OF REPORT:**

Council, at its meeting of 7 June 2000 considered a report on a development application for extensions to the Kingscliff Shopping Centre. At this meeting Council resolved:-

*“that this matter be deferred to enable the applicant to improve the application to respond to the reasons for refusal recommended in the report and the Director Development Services report back to Council in 8 weeks.”*

Since this resolution, the applicant and various consultants have met with Council officers to discuss amendments to the proposal (See letter by Director of Development Services – Attachment 1). A new concept plan has been prepared by Fulton Trotter Moss Architects as a basis for discussion which addresses some of the recommended reasons for refusal.

The applicant’s response dated 24 July 2000 (Attachment 2) explain, that following the last meeting with Council officers on 18 July 2000 all of the items referred to are being addressed by their architect, town planner and engineer.

Amended plans are proposed to be lodged as soon as possible following which the application will need to be renotified. The applicant is progressing the matter and when the amended plans have been lodged and assessed a further report will be made to Council

**RECOMMENDATION:**

That this report be received and noted.

## Items Deferred

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### REPORT:

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*“that this matter be deferred to enable the applicant to improve the application to respond to the reasons for refusal recommended in the report and the Director Development Services report back to Council in 8 weeks.”*

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## Items Deferred

### ITEM DEFERRED FROM MEETING HELD 1 NOVEMBER 2000

**22. Alterations and Additions to an Existing Building – Oyster Point Road, Banora Point**

473

Cr Luff

Cr James

*RESOLVED that Council defers consideration of the application for the three storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point to allow objectors and/or the applicant to address Council's Community Access meeting and to allow Councillors to inspect the site.*

**22. ORIGIN: Building Services Unit**

**FILE REF: DA4000/670 Pt1**

**REPORT TITLE:**

**Alterations and Additions to an Existing Building – Oyster Point Road,  
Banora Point**

**SUMMARY OF REPORT:**

An application has been received by Council for a three (3) storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point.

**RECOMMENDATION:**

That the application for the three storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point:-

1. Not be approved due to the visual impact affect on the amenity of the adjoining sites and the affect on natural light available to the adjoining property.
2. The applicant be invited to submit an amended application for Council's consideration.

# Items Deferred

## REPORT:

An application has been received for alterations and additions to an existing dwelling on property described as Lot 16 DP244426 (No 44) Oyster Point Road, Banora Point, which is located on the western corner of Adina Place and Oyster Point Road.



The proposal consists of a three (3) storey addition to an existing 2 and 3 storey residence and is identified as being 8 metres in length and 7 metres wide.

An inspection of the site revealed that the property is adjoined by two sites, both of which are of a lower level than the area to which the proposal relates.

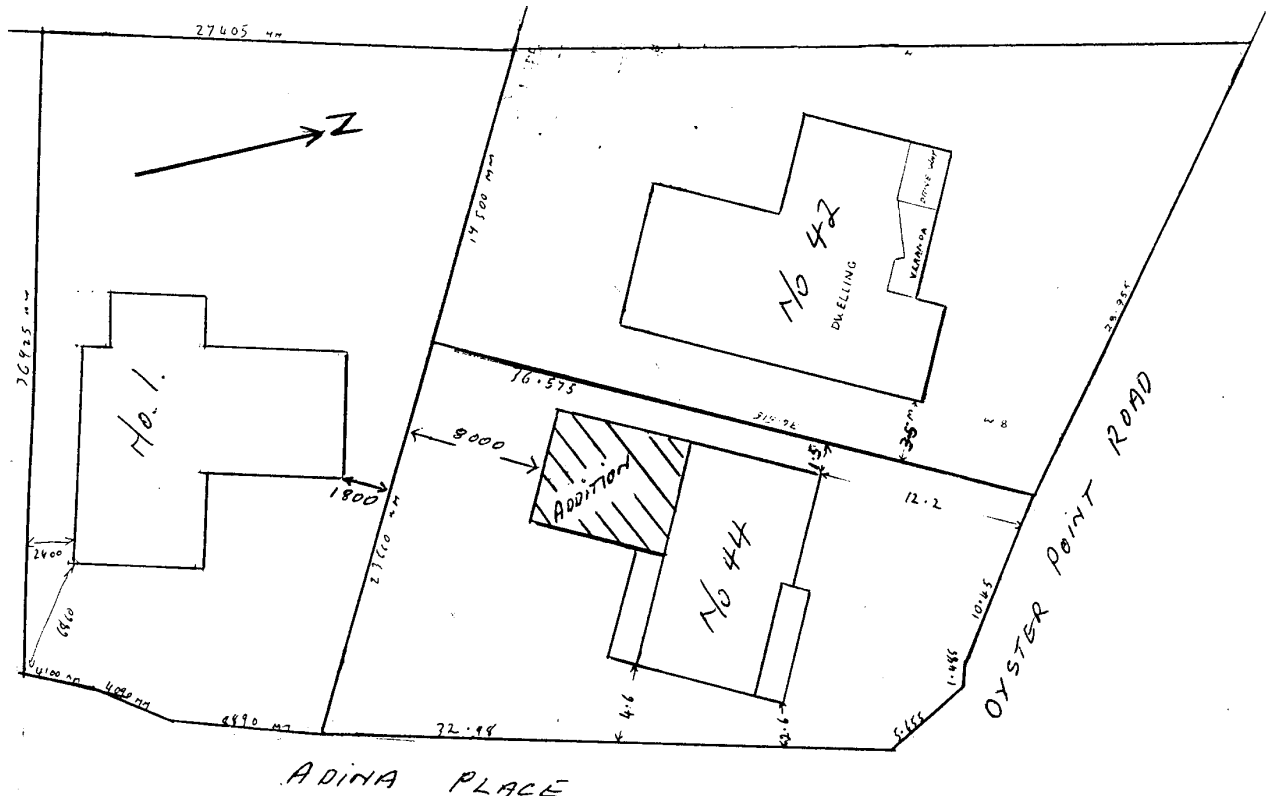
A letter notifying of the proposal was forwarded to both adjoining property owners and submissions objecting to the proposal have been submitted from both, one of which (from No 42 Oyster Point Road) was accompanied by a submission prepared by Jim Glazebrook and Associates (Town Planners and Development Consultants).

As a result of the objections a letter was forwarded to the applicant identifying the main issues raised to give the applicant the opportunity to address these concerns.

## Items Deferred

The existing dwelling on the site is dark brick with a concrete tiled roof and is partly 2 and partly 3 storeys in height.

A site plan is provided below, which was taken from original building approvals, to identify the setbacks and orientations of the proposal in relation to the adjoining sites.



In relation to the submission by the owners of No 1 Adina Place, the main point of concern relates to the likely over-shadowing caused by the proposal.

A site inspection identifies that the property is on the low side of No 44 and has a row of small trees along the boundary line.

The northern end of the dwelling is occupied by a garage which stands approximately 9.8 metres away from the proposal at its nearest point and while it is acknowledged that some over-shadowing will occur to the northern end of the building and property, the proposal is not considered unreasonable from this aspect due to the setback of the proposal from this boundary and the orientation of the sites.

In regard to the issues raised on behalf of the owners of No 43 Oyster Point Road, the submission from Jim Glazebrook and Associates has been reproduced below for Council's information:

***“Re: 0933/2000DA – Lot 16 DP 244426 No 44 Oyster Point Road, Banora Point***

***Alterations & Additions to an Existing Dwelling***

## Items Deferred

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*We advise that we act for Mr Norman & Mrs Gloria Hill who own property at No 42 Oyster Point Road, Banora Point which is adjacent to the proposed development site. Mr & Mrs Hill reside in the dwelling on this land.*

*We have had the opportunity to review the plans for the proposed addition and wish to make a submission by way of objection to the proposed development on behalf of Mr & Mrs Hill. Specifically, our objection relates to the following matters;*

- (i) Mr & Mrs Hill's dwelling is located to the west of the subject land and therefore the critical elevation of interest to Mr & Mrs Hill is the west elevation. A review of the plans indicates that this elevation, and in fact none of the elevations, contain a scale or any written dimensions. Additionally the plans do not contain any existing or proposed levels. This information is essential to enable neighbours to determine the exact extent of the likely impact of the proposal upon them and is also essential to enable Council's officers to properly assess and consider the application.*
- (ii) The development application was not accompanied by a Statement of Environmental Effects. The applicant indicated on the development application form that "the proposed development is considered to have negligible effect". The proposal is for a 3 storey addition to an existing dwelling in an existing residential area and, given the size of the lots in the locality, an addition of this size has the potential to impact on adjacent properties. Therefore, a Statement of Environmental Effects should be submitted to demonstrate how the applicant has considered the impact that the proposal will have adjacent developments, particularly in relation to the amenity of neighbouring dwellings.*
- (iii) Regardless of the deficiencies identified in the development application documentation, as outlined in (i) and (ii) above, the Hills object to the proposed addition on a number of grounds relating to the potential impact that an addition of the size proposed would have on their enjoyment of their property. In particular, the Hills believe that they will be significantly affect by loss of views, potentially affected by loss of privacy and also affected by loss of natural sunlight and south easterly breezes to the sitting/living room and second bedroom. These issues are discussed in the point below.*

*(iv) Loss of views*

*The proposed dwelling addition measures approximately 8 metres x 7 metres, is three storeys in height, and is adjacent to the rear of the Hill's dwelling. The Hill dwelling in this location is two storeys in height and the land level is slightly lower than that of the development site. The proposed addition is adjacent to a bedroom and garage/workshop on the ground level and adjacent to a bedroom and sitting room on the upper level of the Hill's dwelling. Mr & Mrs Hill presently enjoy views of the Tweed River, Kingscliff and Fingal from their sitting room. The pleasant views which are currently enjoyed will be intercepted by a three storey wall.*

## Items Deferred

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(v) Loss of privacy

*The western elevation contains six (6) windows. Due to the fact that there are no levels or scale shown on the plans, the location and size of these windows in relation to the Hill residence is difficult to determine. The Hills consider that the proposed addition has the potential to impact on their privacy, although the extent can not be determined without the plan information described above.*

(vi) Sunlight

*The lower level bedroom and garage/workshop, and the upper level second bedroom and sitting room, are located on the eastern side of the house. Therefore, these rooms receive sunlight in the morning. In the afternoon they received little natural light at all. The construction of a three storey structure, adjacent to the windows in these rooms, will significantly reduce the amount of natural light which they receive during the favourable AM daylight hours.*

(vii) Breezes

*South easterly sea breezes provide relief during the hot summer months in this location. The Hills use the sitting room to relax and capture these breezes as the other living room in their house does not have the location advantage of this room. Mr & Mrs Hill believe that construction of a three storey addition as proposed will significantly impact on these cooling summer breezes and consequently, unacceptably diminish the amenity and enjoyment of the living room and bedrooms on the eastern side of their house.*

*In conclusion, we submit that this development application is deficient in terms of the information provided on the plans and the fact that a Statement of Environmental Effects was not submitted. Furthermore, due to the size and location of the proposed addition, the Hill's enjoyment of their home will be significantly diminished and an objective assessment of the merits of the application indicate that the proposal should either, not be approved or, that it should be modified to ameliorate, as far as possible, potential impacts on the Hill's property.*

*Mr & Mrs Hill have written to a number of Councillors requesting that the development application be report to Council for its determination."*

Concerning (i) amended plans have now been submitted to Council by the applicant which identify scales and indicate the roof line of the proposal will match that of the existing three storey portion of the building.

These plans have been viewed by the owners of No 42.

Concerning (ii) a "Statement of Environmental Effects" has now been submitted by the applicant together with further information in respect of the proposal.

Concerning (iii) these issues are covered individually below.

Concerning (iv) the views identified in the submission will be lost in the event that the proposal is approved and constructed. However it should also be noted that the construction of a two (2) storey

## Items Deferred

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proposal in the same location and site coverage would have the same effect with respect to views from the sitting room and second bedroom.

Concerning (v) as indicated in the submission a certain amount of privacy will be lost as a result of the proposal being constructed. The submission from the applicant indicates that trees could be utilised along the boundary to provide some shielding, however while sufficient space between the dwellings may exist to provide trees, it would be extremely difficult to screen the outlook from windows, particularly from level 3.

Concerning (vi) the amount of sunlight and natural light for the eastern side of No 42 will be reduced with the construction of the proposal as indicated. It should also be noted that with the use of dark brown coloured bricks to match the existing building the possibility of any reflected light will be minimised.

Concerning (vii) the submission identifies that south east breezes will be affected by the proposal and while it is acknowledged that breezes from this direction will be affected it must also be acknowledged that the finished ground level of the proponents site is higher than that of No 42 and therefore a proposal two (2) storeys in height and in the same location would have a similar impact on breezes from this direction.

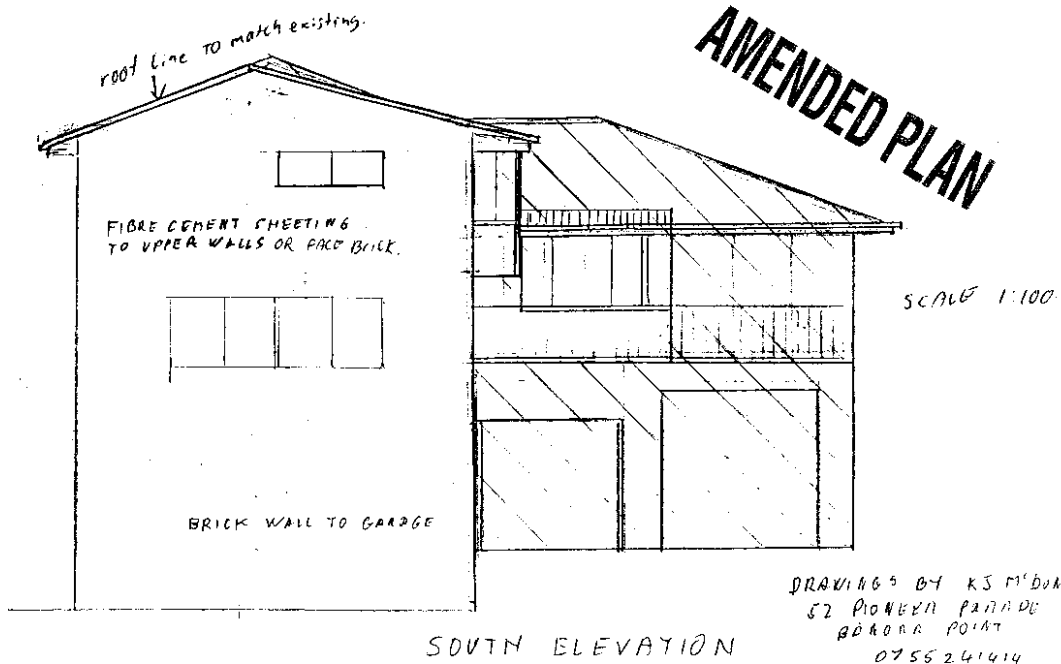
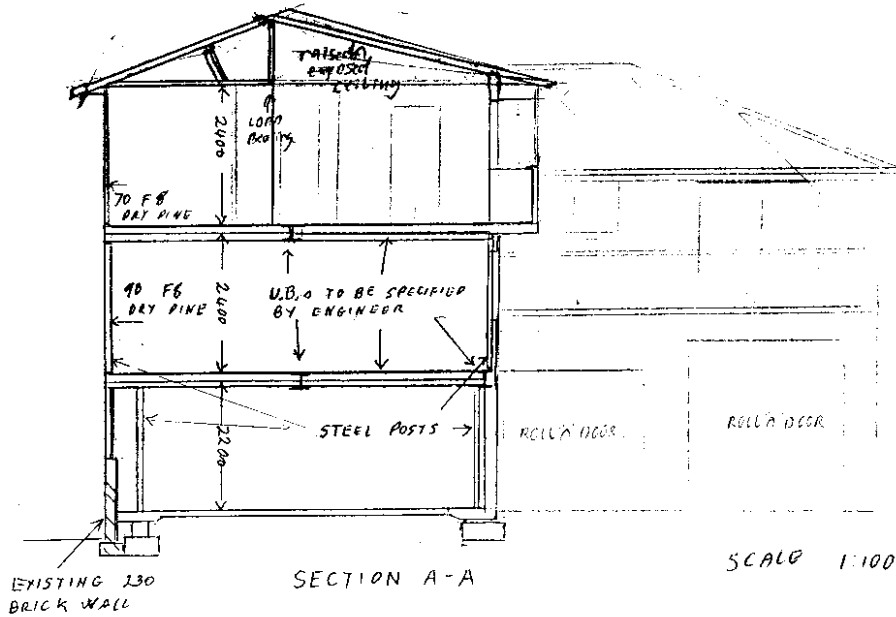
In conclusion Council is advised that the impact of the proposal and each of the issues raised by the adjoining property owners have been considered and while the position of the proposal, considering the setbacks identified, is not unreasonable, the visual appearance when viewed from these properties in relation to the intended height and bulk has an undesirable impact on amenity.

It is also considered that the colour and overall height of the proposal will substantially affect the amount of natural light available to the eastern side of number 42 Oyster Point Road and therefore it is recommended that the current proposal not be approved by Council and that the applicant considers amending the proposal to address these issues in an effort to minimise the impact on the adjoining properties.

Elevations of the proposal follow for council's information.

# Items Deferred

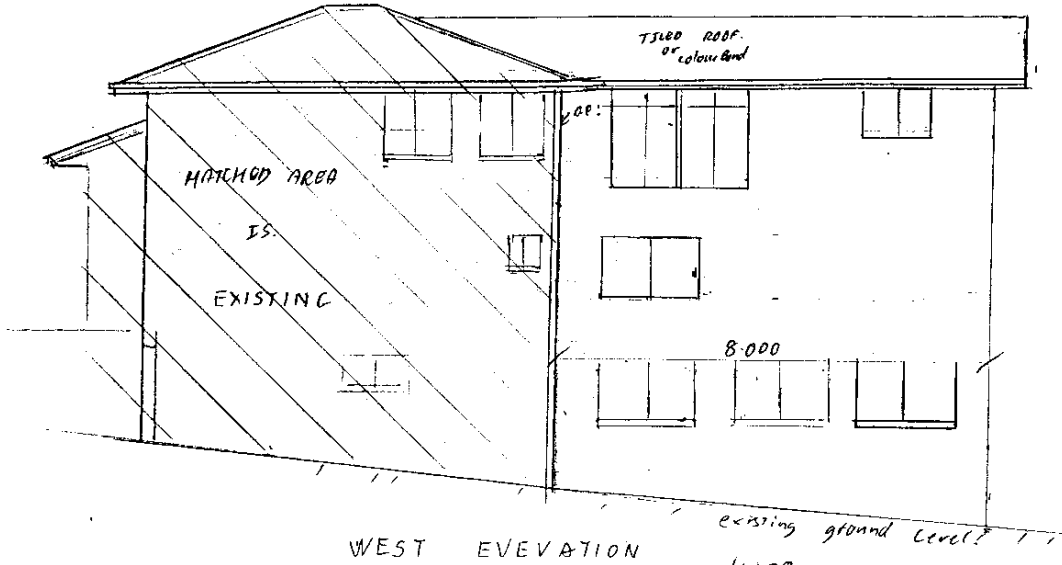
PROPOSED EXTENSIONS TO RESIDENCE AT LOT 16 OYSTER POINT RD  
BARORA POINT FOR KS + BJ McDONALD



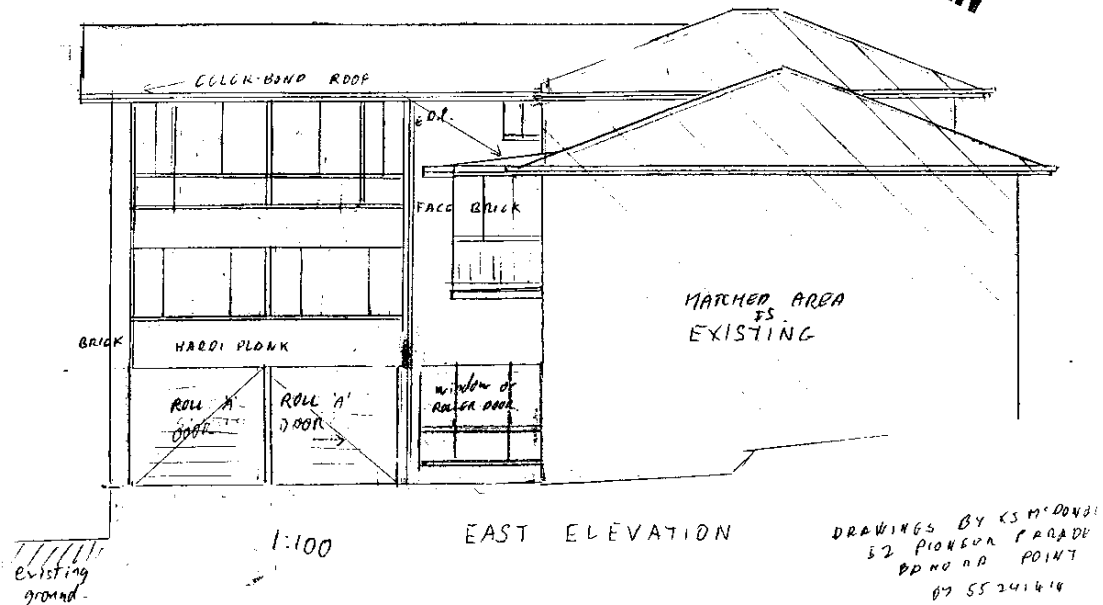
DRAWINGS BY KS McDONALD  
52 PIONEER PARADE  
BARORA POINT  
0755241414

# Items Deferred

PROPOSED EXTENSIONS TO RESIDENCE AT LOT 16 OYSTER POINT Rd  
BANORA POINT FOR KJ + BJ M'DONALD



1:100  
SCALE  
**AMENDED PLAN**



DRAWINGS BY KJ M'DONALD  
52 PIONEER PARADE  
BANORA POINT  
87 55 241614



# Reports from Director Development Services

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## **MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

### **MATTERS FOR CONSIDERATION**

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.

## Reports from Director Development Services

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## Reports from Director Development Services

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### 1. ORIGIN: Development Assessment Unit

**FILE REF: DA4170/100 Pt2**

#### **REPORT TITLE:**

**Deferred Matter - Extensions to Kingscliff Village Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff**

#### **SUMMARY OF REPORT:**

This report provides an assessment of amended plans submitted for Kingscliff Village Shopping Centre. The amended plans are a significant improvement on the proposal Council previously considered. However, it is considered that issues regarding urban design, pedestrian linkages and impact on adjacent land have still not satisfactorily been addressed having regard to the importance of the site and the development proposal would be detrimental to Kingscliff.

#### **RECOMMENDATION:**

That development application by Chen-Yu Pty Ltd for extensions to Kingscliff Shopping Centre at Lot 20 DP 582165 and Lots A and B DP 396088 Pearl Street, Kingscliff be refused for the following reasons:-

1. The proposed development will have adverse impacts on the quality of the urban environment, urban design and architectural presentation of Kingscliff.
2. The proposed development is contrary to the objectives and provisions of the Kingscliff Urban Design Plan and draft Kingscliff Development Control Plan.
3. The proposed development is an overdevelopment of the site having regard to the existing site constraints and the designs for loading, servicing, car parking and traffic manoeuvring are undesirable.
4. The proposal fails to consider future amenity and design issues in the locality and proposed development would have detrimental effects on the quality of the potential development and residential amenity of the land adjacent to the west.
5. The proposed development would be detrimental to the fulfilment of Kingscliff's potential for high order economic benefits based on tourism and residential growth.
6. The proposed development does not provide pedestrian linkages to adjoining sites and encourage pedestrian movements through the site.
7. The plant room and loading dock positioning and height will have unacceptably adverse effects on the development design and future residential amenity on adjacent land.

## Reports from Director Development Services

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### REPORT:

**Applicant:** Mr C Moeller  
**Owner:** Chen-Yu Pty Ltd  
**Location:** Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff  
**Zoning:** 3(b) General Business  
**Est. Value:** \$1.7 million

### BACKGROUND

Council at its meeting on 7 June 2000 considered a development application for extensions to Kingscliff Shopping Centre.

The report presented to Council at that time recommended refusal of the application for the following reasons:-

- “1. *The number of car parking spaces proposed to be provided does not comply with the provisions of DCP2 - Site Access and Parking Code.*
2. *Traffic circulation is not satisfactory in respect of manoeuvring required to access the loading dock/garbage bin storage area for speciality shops which is adjacent to south western property boundary.*
3. *Inadequate information in relation to delivery vehicle sizes has been submitted to determine the suitability of the loading facility for the proposed fast food outlets.*
4. *The proposal is likely to have an adverse impact on the potential future development of land to the south west for residential purposes in respect to visual impact and overshadowing.*
5. *The proposed development will not promote pedestrian activity in Turnock and Pearl Streets.*
6. *The proposed development will not make a positive contribution to the commercial area of Kingscliff in terms of overall urban design and fails to meet the objectives of the draft Kingscliff Urban Design Plan.*
7. *Information required to satisfy the provisions of Clause 35 of the Tweed Local Environmental Plan 2000 has not been submitted.*
8. *The proposal is inconsistent with the provisions of the Tweed Shire 2000+ Strategic Plan.”*

Council at this meeting resolved this matter be deferred to enable the applicant to improve the application to respond to the reasons for refusal recommended in the report and the Director of Development Services report back to Council in 8 weeks (A status report was submitted to Council after 8 weeks).

## Reports from Director Development Services

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The applicant has now submitted a revised design and amended Statement of Environmental Effects. Attached is a copy of the previous Council report. This report should be read in conjunction with the previous report.

### AMENDMENTS TO THE PROPOSAL

The applicant has made a number of variations to the proposal which was previously considered by Council at its meeting of 7 June 2000. These are summarised as follows:-

- The setback from the adjacent zoned residential land has been increased to 6m for the majority of the length of the wall. As a result, the landscaped buffer has been increased. A amended landscape plan has been submitted.
- The height of the supermarket wall adjacent to the residential land has been reduced from 6.7m to 6.0m.
- The existing loading dock is proposed to be excavated below floor level.
- The amount of earthworks proposed has been substantially reduced. This has been achieved by deleting the proposal to excavate the car parking area on the corner of Turnock Street and Pearl Street.
- The internal manoeuvring area and car parking that was previously proposed between the speciality shops and Turnock Street has been removed. The supermarket/speciality shops have been extended towards Turnock Street to provide a walkway and awning adjacent to the street.
- The parking layout has been altered to include parking in Turnock Street.
- The overall design and architectural form of the proposed building has been altered. Amended plans will be available for viewing in the Council chamber.
- Details including elevations, of the future stage 2 have been provided.
- The proposal for fast food outlets adjacent to the service station has been deleted.

In support of the amended application the applicant has submitted as part of the revised Statement of Environmental Effects a revised architectural statement from Fulton Trotter and Partners, a access, traffic, parking, earthworks, drainage and acid sulfate soil impact assessment prepared by Martin Findlater & Associates Pty Ltd and a letter from James Hardy Acoustic Consultants confirming that their previous recommendations in regards to noise has not changed as a result of the amended proposal.

### ASSESSMENT OF CHANGES

The adequacy to which the applicant has addressed the recommended reasons for refusal in Council's report dated 7 June 2000 are provided below:-

***"1. The number of car parking spaces proposed to be provided does not comply with the provisions of DCP2 – Site Access and Parking Code"***

An additional 86 on site car parking spaces are proposed to be provided. In addition, 19 car parking spaces are proposed to be provided along Turnock Street adjacent to the proposed speciality shops. Therefore, including both the on street and off street spaces, a total of 105

## Reports from Director Development Services

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additional car parking spaces would be provided. Taking into account the existing floorspace and proposed stage 1 floor space, a total of 307 car parking spaces are required. However, applying the 20% reduction permitted under DCP2 for the purpose of encouraging ecologically sustainable development (ESD) this number may be reduced to 247 spaces. The applicants amended proposal provides for 251 car parking spaces.

The amended proposal therefore generally complies with the provision of DCP2 with the exception of the provision of 19 of those spaces on the street rather than within the development site. This is considered acceptable under the circumstances, and creates a more interesting streetscape balanced in conjunction with the pedestrian walkway now proposed along the frontage of the site.

- “2. *Traffic circulation is not satisfactory in respect of manoeuvring required to access the loading dock/garbage bin storage area for speciality shops which is adjacent to south western property boundary*”.**

The building setbacks and traffic circulation areas have been amended and would provide for adequate manoeuvring.

The amended proposal has been reviewed by Council’s Traffic Engineer and the amended proposal is considered satisfactory subject to some minor amendments.

- “3. *Inadequate information in relation to delivery sizes has been submitted to enable the suitability of the loading facility for the proposed fast food outlets*”.**

The proposed fast food outlets have been deleted from this proposal.

- “4. *The proposal is likely to have an adverse impact on the potential future development of land to the south west for residential purposes in respect of visual impact and overshadowing*”.**

The amended proposal provides for a setback of 6m along part of the south western property boundary and reduced wall and roof height to approximately 6m measured from natural ground level. The previous roof height was 6.687. The loading dock and plant room are still located on the boundary and extend to a height of approximately 9.5 metres. It is proposed to place lattice on this structure and allow vines to grow over it. This however does not reduce the bulk and height of the structure. It is considered that the location of this structure will be detrimental to the development of the adjoining land.

A shadow diagram has been provided which demonstrates shadow impacts have been reduced by decreasing the overall height of the supermarket and increasing the setbacks. A shadow of approximately 25m will extend into the land to the west at 9am midwinter from the plant room.

The applicant has addressed the issue of visual impact by:

- a. providing a greater boundary setback as described above;
- b. providing architectural or landscape treatment of the supermarket wall where it has a zero setback;

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- c. providing dense landscaping within the setback area to soften and intercept views of the wall; and
- d. by reducing the overall height of the supermarket walls and roof.

These measures are considered to be significant improvements with the exception of the plant room. Landscaping softens the appearance of the structure however does not reduce the bulk.

**“5. *The proposed development will not promote pedestrian activity in Turnock or Pearl Streets*”.**

The amended plans provide for speciality shops adjacent to Turnock Street and incorporate a covered pedestrian walkway. The applicant has also provided details of a future stage 2 comprising a two storey building at the corner of Pearl and Turnock Streets and along Pearl Street itself. Stage 2 also involves the erection of a second level of car parking behind the proposed shops fronting Pearl Street.

At the north western end of the walkway a bicycle parking area is proposed. This combined with the proposed on street parking will restrict pedestrian movement to and from the west along this frontage.

**“6. *The proposed development will not make a positive contribution to the commercial area of Kingscliff in terms of overall urban design and fails to meet the objectives of the draft Kingscliff Urban Design Plan*”.**

The overall design of the buildings have been changed to the previous proposal. Retail shop frontages are provided facing Turnock Street, adjacent to the proposed supermarket. Car parking in this location has been relocated to Turnock Street (on street parking) rather than on site adjacent to the shops. It is also proposed as part of stage 2 to provide a 2 storey retail/commercial development on the corner of Pearl Street and Turnock Street. This would strengthen this corner location and assist in providing a statement as part of the eastern approach to the shopping centre in the future. This application does not seek approval for Stage 2. This subsequent stage would be subject to a further development application. The provision of a covered walkway and pedestrian shop and speciality shops adjacent to Turnock Street add interest to the development. There is no timing commitments to Stage 2.

The design principles of Kingscliff’s Urban Design Plan, relevant to this development, are to encourage developments which provided pedestrian links between streets, arcades and parks while encouraging quality development.

The revised proposal provides limited linkages through the site with pedestrian movement from future development to the west being largely directed around the site.

Concern is also raised regarding the proposed two storey parking as part of Stage 2. A elevated cement car park located in the centre of the site located just behind the Pearl Street frontage is not considered to be a positive design element.

This structure will be visible from the Pearl Street entrance to the development and from the north along Pearl Street. This will result in a negative visual impact when viewed from Pearl Street and is considered unacceptable.

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The location of the site at the intersection of Turnock and Pearl Streets creates a need to ensure that any development on the eastern corner of the site provides a significant statement in terms of being a “gateway” to Kingscliff.

The applicant has attempted to address this issue by providing concept plans for two storey shops on this corner as part of a future Stage 2 to the development. Approval for this stage is not sought as part of this development application and as part of Stage 1 it is proposed to construct carparking on this corner of the site.

Concern is raised that there is no certainty regarding Stage 2 in terms of when this will proceed, if at all.

Therefore, in considering this application consideration should largely be restricted to the Stage 1 component which provides for a relatively large carpark area on one of the most, if not the most, significant corner sites in Kingscliff.

The development of this site offers a relatively unique opportunity for a development which could greatly assist in determining the future character of Kingscliff, and as such any development of this site should provide good street presentation on this corner. The construction of a car parking area does not achieve this.

**“7. Information required to satisfy the provisions of Clause 35 of Tweed Local Environmental Plan 2000 has not been submitted”.**

In accordance with Clause 35 the applicant has now submitted a preliminary acid sulfate soils management plan. Council’s Environment and Health Unit have reviewed this plan and consider it to be satisfactory.

**“8. The proposal is inconsistent with the provisions of Tweed Shire’s 2000+ Strategic Plan”.**

Section 104 of this Strategy states:-

*“Contemporary urban design principles to maximise the desirability of town and district centres for public use. Consideration will be given to social interaction, recreation, amenity, culture, delivery of support services and transaction of commerce”.*

The revised design is a significant improvement on achieving this objective however, pedestrian movement through the site is still largely restricted.

### **PUBLIC CONSULTATION**

The amended application was referred to Gales Holdings who previously made a submission and owns adjoining land to the proposed development. A detailed submission has been received objecting strongly to the proposal (copy attached). Issues of major concern to Gales Holding are:-

- overdevelopment of the site
- visual impacts
- lighting from the shopping centre extensions



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- drainage
- carparking and traffic
- draft Kingscliff Urban Design Strategy

### Comment

#### Overdevelopment of the site

It is considered that there is merit in their submission that the proposal is a overdevelopment of the site. This is reflected by the need to provide parking along Turnock Street to meet the requirements of Council's DCP2, the difficulty in providing parking for any future Stage 2 and the overall adverse impacts on urban form in Kingscliff.

#### Visual Impacts

The location of the plant room on the boundary will result in adverse visual impact when viewed from any future development to the west. The acoustic barrier will also result in some impact however would be acceptable subject to appropriate treatment.

#### Lighting

Lighting could be controlled by appropriate shielding.

#### Drainage

Comments have been received from the Engineering Division raising no issues in regard to the proposed drainage.

#### Carparking and Traffic

It is agreed that the location of parking and traffic circulation within the site is not ideal. The application has been considered by the Regional Advisory Committee who advised as follows:-

- "1. A protected right turn lane in Turnock Street should be provided for traffic entering the site via the proposed eastern entrance.*
- 2. This proposal is likely to generate pedestrian movements across Turnock Street, to accommodate pedestrians a pedestrian refuge should be provided east of the Turnock Street entrance. The refuge could be provided in the median for the right turn bay.*
- 3. Parking for developments should be generally provided on site. However, if angle parking is to be provided on Turnock Street sufficient road width for a parking lane should be provided, this will allow vehicles to stand clear of through traffic when entering and leaving parking spaces.*
- 4. Sufficient land on the northeast corner of the site should be reserved for any future intersection improvements at the intersection of Turnock and Pearl Streets.*
- 5. The bicycle parking shown on the northwest corner of the site obstructs the pedestrian walkway and should be relocated.*

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6. *The internal road layout and pedestrian access is less than ideal. However retention of existing buildings constrains more effective provision for vehicle and pedestrians movement about the site.*
7. *Provision of a raised median in Turnock Street will be necessary to prevent parked vehicles reversing across the road to travel east. To reduce traffic conflicts this median could be extended west past the western Turnock Street entrance to the site. This will prevent right turns into the service bay area.*
8. *Stage 2 submissions should include improvements to the vehicle access and circulation for the proposed overhead car parking area.”*

Should Council wish to support the application the applicant should be required to provide amended designs addressing the above points to ensure compliance can be achieved particularly in relation to provision of the on-street parking spaces.

Council's Traffic Engineer has also reviewed the revised proposal and raised no objections subject to a number of relatively minor changes.

### **Draft Kingscliff Urban Design Plan**

Gales Holdings submits that little weight should be given to the plan as it is not adopted by Council. The principles and design provisions contained in this plan however are considered relevant. The Plan has been highly relevant to assessment of a number of important development applications over the last two years with positive results. It is now being applied in the draft Kingscliff DCP.

### **Engineering Comments**

*“There are several issues that need to be addressed and incorporated in a revised plan of Plan AR102/B to simplify conditions on any consent. These issues are: -*

- (a) *Turnock Street on street parking – spaces numbered 18 and 19 are to be deleted as manoeuvring into and out of these spaces conflicts with the movements into and out of the major access road.*
- (b) *Pedestrian movements are not sufficiently considered in the Plans along Turnock Street. A 1.2 metre wide concrete path is required from Pearl Street to the access road including a transition area to a 3-metre wide full width concrete path from the access driveway to the western boundary where a transition area back to the public road reserve is required. This also involves the relocation of the Bicycle parking.*
- (c) *A 3 metre wide right of way over the above footpath is to be shown on the plan and a condition requiring its creation on the title will need to be imposed.*
- (d) *The pedestrian pathway across the Turnock Street access is to be on a raised platform complying with relevant standards.*
- (e) *A speed bump is required on the delivery/service dock located so as to be adjacent to the pedestrian travel path.*
- (f) *The pedestrian crossings between car spaces 96 and 97 and spaces 59 and 60 and spaces 86 and 20 are to be on raised platforms complying with relevant standards.*

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- (g) *The kerb lines between spaces 104 and 105 and space 108 to the corner of the unit site are to be realigned to better guide traffic.*
- (h) *Car spaces 86 and 87 be reorientated to provide 2 parallel spaces designated for drop off/pick up parking only which will minimise the potential for congestion at the exit caused by pick up/set down manoeuvres.*
- (i) *A bus shelter is to be provided at the Turnock Street bus zone including full width concrete paving in this location. The bus shelter is to be set behind the property boundary line. At stage 2 the form of the bus shelter can be reassessed to complement the proposed development.*
- (j) *The Turnock Street access is to be constructed as an at grade intersection using kerb returns.*

*The above issues (a to j) can easily be addressed by an amended plan, which is considered more appropriate than trying to word conditions.*

### **Traffic**

*The proposed Stage 1 is slightly larger than the current centre and will be 55% of the total area of shopping centre. Traffic generated by the combined centre is estimated to be 3572 vehicles per day excluding the service station and the traffic attributable to the Stage 1 development is estimated at 1976 vehicles per day.*

*The traffic generated by the centre will be split between the existing entry in Pearl Street and the new access in Turnock Street.*

*As Turnock Street is a distributor road a chanelised right turn lane is to be constructed at this access to minimise impacts on through traffic (see draft condition). The raised concrete central median is to extend to the service bay access at the western end of the site to prevent traffic turning right into the angle parking bays.*

### **Parking**

*The use of Turnock Street to provide 19 angle car spaces raises an equity issue in that the development utilises public land at no cost to provide required car parking. This is a different situation to that where DCP 2 requirements are provided on site and the additional on road parking is in excess to the requirement. However, Part 4.4 of DCP 2 permits this under certain circumstances.”*

### **CONCLUSION**

It is considered the revised development proposal is a significant improvement to that of the previous proposal. However, still fails to achieve a satisfactory outcome having regard to the significance of the site. The proposal does not provide any continuity of development along the Pearl Street frontage and fails to satisfactorily address the design principles appropriate to the site and this sector of Kingscliff –as in part contained in the Kingscliff Urban Design Plan, particularly, in reference to the north eastern corner of the site and provisions of pedestrian linkages through the site. The proposal to provide a two storey concrete car park on the site is considered to be very unsatisfactory from a streetscape perspective.

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There would be significant benefits in the new retail opportunity, employment and services resultant from approval of this application. However, safeguarding the quality of planning and development in Kingscliff is the key to fulfilling the town's very high potential for tourism based growth and economic benefits. This proposal is detrimental to Kingscliff fulfilling that potential. The application is therefore recommended for refusal.

### OPTIONS

1. Advise the applicant that subject to amendments to the plan being made in accordance with the engineering services comments contained in this report Council will support the application.
2. Refuse the application as recommended.

### LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

If the applicant is not satisfied with Council's determination they have a right of appeal to the Land and Environment Court.

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## Reports from Director Development Services

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### 2. ORIGIN: Strategic Town Planning Unit

**FILE REF: GT1/DCP/43 Pt1**

**REPORT TITLE:**

**Draft Development Control Plan No 43 - Kingscliff**

**SUMMARY OF REPORT:**

The draft Development Control Plan No 43 for Kingscliff applies to the majority of the established area of Kingscliff (see Annexure 1). The draft DCP has been developed in response to the need for planning to encourage Kingscliff to develop as a contained, pedestrian friendly town with a high standard of environmental amenity. The draft DCP has been developed from the Kingscliff Urban Design Plan prepared for Council by Diecke Richards architects in 1998.

The draft DCP has given due consideration to public submissions received in relation to the Kingscliff Urban Design Plan and to detailed issues of implementation. The resultant draft DCP provides a Vision for the future of Kingscliff, planning strategies to implement the Vision and building design guidelines. It is the intent of the DCP to ensure that Kingscliff develops with its own unique character and that the intrinsic qualities which make Kingscliff special are retained and enhanced.

**RECOMMENDATION:**

That Council:-

1. Prepares a Development Control Plan for Kingscliff in accordance with Section 72 of the Environmental Planning and Assessment Act 1979;
2. Exhibits the draft Development Control Plan attached to this report in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 – the exhibition to also include the Kingscliff Urban Design Plan.

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### REPORT:

#### BACKGROUND

In 1998, Diecke Richards architects were engaged by Council to prepare an urban design plan for Kingscliff. The urban design plan was prepared in consultation with the local community of Kingscliff, through a number of public meetings. The Kingscliff Urban Design Plan was completed in June 1998 and contained a number of recommendations for the future development of Kingscliff. The plan was subsequently exhibited for public comment and a total of 131 public submissions were received.

The recommendations of the Urban Design Plan have now been developed into a draft Development Control Plan (DCP) for Kingscliff. The draft DCP has taken into account the issues raised by the public submissions made to the Urban Design Plan. A summary of the public submissions is provided below.

In the absence of a DCP for Kingscliff, the Kingscliff Urban Design Plan has been an influential policy document used in the determination of Development Applications associated with Kingscliff.

#### PUBLIC RESPONSE TO KINGSCLIFF URBAN DESIGN PLAN

##### Nature of Response

In general, the Urban Design Plan received a positive response. The Plan contained six main recommendations concerning the future of Kingscliff. Three of these recommendations received an overwhelmingly positive response, while the other three recommendations recorded mixed responses. In assessing the submissions, it became apparent that 38 of the 131 submissions contained very similar comments. A comparison of these 38 submissions with the other 93 submissions showed that in general:

- where the majority of submissions indicated support for a particular recommendation, the ‘similar’ submissions indicated an even higher level of support; and
- where the majority of submissions indicated that the issue was contentious (a mix of positive, negative and alternative responses), the ‘similar’ submissions indicated a strongly opposed or alternative response.

##### Responses in Support of Urban Design Plan Provisions

The three most favoured recommendations which received overwhelmingly positive responses were:

- “1. *Create a series of pedestrian cycle ways to link neighbourhood centres and destinations such as schools. Strengthen linkages between these centres and the foreshore, beach and other natural features.*”
- “2. *Make each neighbourhood distinctive with street layouts which encourage walking and cycling. Allow each neighbourhood to incorporate a variety of housing types and home based work places adjacent to each centre.*”

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- “3. *Strengthen the town centre with the construction of the new library/community centre within it. Maintain the major shopping and commercial uses for Kingscliff in the Town Centre. Consolidate new housing of medium density within easy walking distance. Ensure any land retained for environmental protection in West Kingscliff is well connected to the Town Centre.*”

With regard to Point No 2 above, the issue of home based work places received some criticism. This issue is discussed below under ‘Contentious Issues’.

### **Mixed Responses**

The other three main recommendations of the Kingscliff Urban Design Plan received mixed reactions, recording significant levels of both negative and positive responses, as well as suggestions for alterations to the recommendations. These recommendations were:

- “1. *Develop the foreshore in the town centre with parkland and pedestrian walkways and cycle ways. Redevelop the (Kingscliff) caravan park with reduced area. Encourage residential uses which will support the Town Centre retail.*”
- “2. *Encourage the development of the character of buildings in Kingscliff through the adoption of building type and architectural form and character guidelines.*”
- “3. *Develop Kingscliff as a series of neighbourhoods supporting the town centre. Neighbourhood centres should have small amounts of retail and commercial and community uses. Link the neighbourhood centres with bus routes to serve as many residents as possible with public transport.*”

It should be noted that the majority of negative and alternative responses made in relation to Point No 1 above concerned the Kingscliff Caravan Park. This issue is discussed below.

### **Contentious Issues**

#### ***Redevelopment of Kingscliff Caravan Park***

In the case of the redevelopment of the Caravan Park, the negative response marginally outweighed the positive response. The negative response was generally against the proposed reduction in size of the Caravan Park, as it was considered that the Caravan Park provides an economic benefit to the town and also caters for a specific segment of the tourist market. There was strong support for the upgrading of the Caravan Park in its present location.

A significant number of responses suggested that the Caravan Park should be relocated away from the prime foreshore spot that it presently occupies.

#### ***Adoption of Building Guidelines***

The recommendation to adopt building design guidelines received a combined negative/alternative response rate which was higher than the positive response rate. The high alternative response rate included responses such as a preference for older style buildings, uncertainty about the proposed guidelines and a desire to maintain the existing built character of the town. The 38 ‘similar’ submissions generally requested that the maximum building height control be increased from its present 3 storey limit to between 4 and 7 stories.

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The negative response rate was not as a result of wholesale opposition to the concept of design guidelines, but due to concern that reduction of maximum building height to two stories for some sites and increased setback requirements would devalue land and reduce development potential. There was also opposition to a perception that government was going to 'dictate' aesthetic requirements. Others were concerned that the guidelines would create a street scape of wall to wall units.

### *Development of Neighbourhood centres*

The positive response to this recommendation was marginally higher than the negative response from the majority of submissions. However, the response from the 38 'similar' submissions was overwhelmingly negative.

The negative response recorded by both the 'majority' and the 'similar' submissions arose from concerns that Kingscliff is too small to support additional retail areas and that the proposed neighbourhood centres would compete with the town centre. There was support for the consolidation/upgrading of the town centre, rather than the creation of new sub centres. There was also concern expressed about the compatibility of new commercial uses with existing residential areas.

### *Creation of Home Based Workplaces*

The majority of negative responses came from the 38 similar submissions. The negative responses appear to have resulted from concerns about the impact of workplaces on residential amenity, the likelihood of increased traffic in residential areas and the creation of low paid employment opportunities.

It should be noted that a home based work place such as a home occupation is exempt development under DCP 40 – Exempt and Complying Development and that a 'home industry' and a 'home business' are uses allowed with consent in the 2(a) Low Density Residential and 2(b) Medium Density Residential zones under Tweed LEP 2000. The issue of home based work places was therefore not considered any further in the draft DCP.

## **DRAFT DEVELOPMENT CONTROL PLAN FOR KINGSCLIFF**

### **Overview**

Draft DCP No 43 – Kingscliff is generally based on the recommendations of the Kingscliff Urban Design Plan. However, the draft DCP contains a number of variations from these recommendations. The variations have resulted from consideration of the issues raised by the public submissions to the Urban Design Plan and of more detailed consideration of implementation issues. The draft DCP also addresses other issues which have arisen since completion of the Urban Design Plan.

The draft DCP provides guidelines for the future development of the established area of Kingscliff, excluding that area known as West Kingscliff. The draft DCP contains a brief description of the Kingscliff locality, a Vision for the future development of the town, planning strategies for three distinct precincts within Kingscliff and building design guidelines for both commercial and residential development.



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The draft DCP has been prepared such that it is compatible with the provisions of Tweed LEP 2000. A number of minor LEP amendments concerning the area covered by the draft DCP are to be investigated as part of a separate review process, which is likely to take up to twelve months. Any changes to the DCP deemed necessary to complement the possible LEP amendments will be addressed as part of the review process. This issue will be addressed in a separate report to Council, pending its inclusion in the Strategic Planning Work Program.

### **A Vision for Kingscliff**

A Vision for Kingscliff has been formulated to ensure that future development proceeds in harmony with the intrinsic natural and built character of the locality. The Vision contains a Vision statement, Vision objectives and a structure plan to guide the implementation of the Vision. The Vision has taken into account the requirements of the State Government's Coastal Policy for development within the NSW Coastal zone and the requirements of Council's Tweed Shire 2000+ Strategic Plan which, amongst other things, details desired outcomes for future urban development.

The Vision for Kingscliff is that of a relaxed coastal town, with a distinctive built character, a high degree of pedestrian amenity and strong connections with the natural surroundings. It is envisaged that Kingscliff will develop at a human scale, with visually interesting streetscapes comprised of buildings that respond favourably to their environment. Physical and visual links between public open space areas and the built environment will be enhanced. Emphasis will be placed on pedestrian accessibility rather than a car orientated environment.

The structure plan divides Kingscliff into three distinct precincts, each of which is intended to develop with its own unique character. The town centre will remain the dominant focus for commercial activity. Small neighbourhood commercial centres up to 500m<sup>2</sup> in size will be located so that the majority of Kingscliff's residents will be within walking distance of a corner shop. As three of these already exist, the plan only proposes an additional two commercial centres. The structure plan promotes a pattern of development that will reinforce existing movement patterns, to encourage walking, cycling and the use of public buses.

### **The Precincts**

The three precincts which comprise the area affected by the draft DCP are the Town Centre, Kingscliff North and Kingscliff Hill. A precinct plan has been prepared for each precinct. The precinct plans contain background information on the development of the precinct, objectives for future development, planning strategies and a list of preferred outcomes.

The Town Centre precinct is to remain the dominant focus for commercial activity. Enhanced pedestrian access through the town centre and increased pedestrian linkages with the foreshore are proposed. New commercial developments are to be designed to improve the public environment. Kingscliff North and Kingscliff Hill precincts are proposed to develop as predominantly residential areas with their own individual character.

The precinct plans also identify the preferred form of built development. This has been achieved by nominating a preferred 'building type' for each parcel of land in the precinct. Specific details of the building types are found in the Building Design section of the DCP.

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### **Building Design Guidelines**

This section of the DCP has two components. The first component provides general design guidelines for built development, which apply to all forms of built development in Kingscliff. It includes provisions concerning building mass, front facades, roof lines, corner buildings, verandah design, colours and materials and landscaping.

The second component contains guidelines for nominated building types which apply to specific areas as detailed in the precinct plans. These guidelines illustrate the preferred building form, street relationship, land uses and parking arrangements. The building type guidelines have generally been adopted from the Kingscliff Urban Design Plan, but have been modified to ensure that they are compatible with the provisions of DCP No. 6 – Multi dwelling Housing.

The design guidelines do not impose more rigid height or setback restrictions than currently exist under Tweed LEP 2000 and DCP 6. The guidelines encourage design innovation, while at the same time identifying those desirable characteristics which are intended to reinforce and develop the unique character of the town.

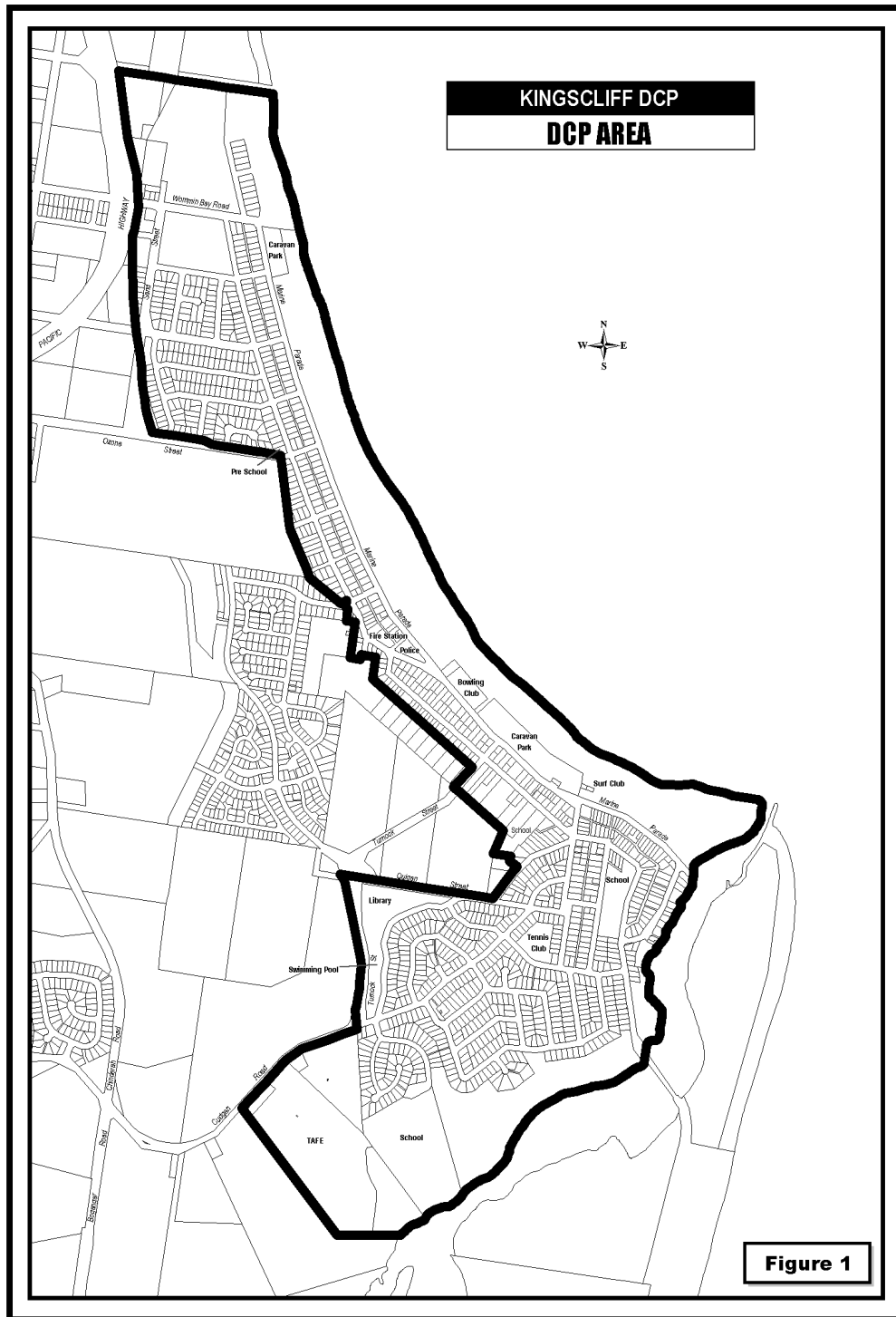
### **Kingscliff Caravan Park**

This is one of the most contentious issues in Kingscliff. The draft DCP addresses this issue under one of the planning strategies for the Town Centre precinct. The draft DCP acknowledges that the ultimate future of the Caravan Park cannot be determined by this DCP, but will be determined by the Tweed Coast Holiday Park's Reserve Trust and the State Government's Coastal Reserve Plan of Management. The draft DCP details the two options currently being considered for the future of the Caravan Park. The two options are to either redevelop the park on a reduced site area, or to relocate the park elsewhere. The draft DCP also acknowledges that the caravan park is not only an asset for the local Kingscliff community but also a resource for the broader community.

### **CONCLUSION**

The draft DCP for Kingscliff has been developed from the Kingscliff Urban Design Plan and has taken into consideration the views of the public in relation to that Plan. The DCP will be an important resource document for determining the future of one of the Shire's more progressive localities. It is envisaged that the DCP will encourage Kingscliff to develop with a unique character, with a strong emphasis placed on providing a high quality public environment and a high standard of building design. The draft DCP will be an important document particularly for Council's planning staff, building industry professionals and all other people who have an interest in the future of Kingscliff.

# Reports from Director Development Services



## Reports from Director Development Services

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## Reports from Director Development Services

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### 3. ORIGIN: Strategic Town Planning Unit

**FILE REF: GT1/S94/16**

**REPORT TITLE:**

**Amended Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving).**

**SUMMARY OF REPORT:**

Following identification of urgent public safety need for upgraded surf lifesaving facilities and building at South Kingscliff/Cabarita and negotiations between the Director of Development Services and Consolidated Properties, Council resolved on 16 August 2000 that an amendment be prepared for the above Contribution Plan. The amendment was for the following:

- Additional equipment totalling \$150,000 to service the Casuarina Beach area;
- Construction of a new surf lifesaving clubhouse (estimated cost \$500,000);
- An increase in the total cost of the Emergency Facilities (Surf Lifesaving) program;
- A decrease in the occupancy rate for residential development; and
- An extension in the life of the Plan to 2006.

The amended plan was subsequently exhibited for 28 days until 15 October. There were four submissions received. A summary of the submissions and responses to them are in this report.

In relation to the draft Plan No.16, Council also resolved on 1 November that:

- A report be prepared on the cost of borrowing against the project income of \$500,000 for a new surf clubhouse at South Kingscliff/Cabarita under draft s94 Plan No.16
- Costs be calculated on the basis of repayment over 15, 20, 25 and 30 years
- The Director Development Services provides an answer to the committee on the question of where funds collected under draft s94 Plan No.16 can be spent.

The answers to the first two points are at the conclusion of the public submission discussion.

**RECOMMENDATION:**

That Council:

1. Approves the amended Section 94 Contribution Plan No.16 as amended with the changes to the exhibited plan as described in this report; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 1994, in the Tweed Link, specifying that the amended Plan comes into effect that date.

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### REPORT:

#### PUBLIC SUBMISSIONS

There were four public submissions relating to the exhibited amended Plan. The issues raised in the submissions and a discussion of these issues follows.

**1. The discussion in the plan is unclear with respect to the location of the proposed clubhouse, although SLS Australia advises that Cabarita is the preferred location.**

There have been on-going discussions between the surf club, community representatives, Councillors and staff regarding the possible location of the club. While no decision has been made the preferred location is Cabarita, although a specific site is yet to be determined.

Recommendation: No change to plan at this stage.

**2. There appears some confusion in the plan with regard to replacing the club in 5 years, when Council is ending the usage of the existing facility now.**

It is acknowledged that Council buildings at Cabarita used by the Surf Club have almost reached the end of its lifespan.. However unless Council provides for borrowings in the s94 plan the funds will only be available at approximately year five. The issue of borrowing funds to bring the construction of the building ahead of funds received is covered in Question 8.

Recommendation: No change to plan.

**3. The plan mentions two negotiated agreements with the developers of Casuarina Beach, yet is completely lacking in mention of negotiations or agreements with the surf clubs on the coast as to their involvement.**

The negotiated agreements were with Consolidated Properties in the lead up to recommended consent conditions. As discussed in 1. above, a Working Party has been meeting to discuss the new club house. It has generally been agreed that the outpost facilities is the most appropriate manner to service the South Kingscliff development area in the short term, with the construction of the clubhouse to assist in providing facilities for the whole south coast area.

Recommendation: No effect on plan.

**4. The inclusion of a 10% Administration levy has not been applied to the other two calculations within this section.**

The 10% administration fee was not included for the outreach service at South Kingscliff or the new building so as to reflect the total contribution negotiated with the developer for Casuarina Beach.

Recommendation: No change to the plan.

**5. The cost of the facilities and equipment contained in the current plan are five years old and out of date.**

Council has not received any advice to date from the surf clubs that their equipment list requires amendment. As a result there was no discussion with the clubs while drafting the amendment with

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respect to any changes to the current facility and equipment list. The main focus for the amendment was the inclusion of the outpost equipment for South Kingscliff and the cost for the new building.

Recommendation: The plan has been amended to include the CPI increase (10%) since the plan's inception. The levy rate has increased slightly as a result.

- 6. It would seem appropriate that Council, after the provision of the equipment and facilities, include within the following budgets an amount for the on-going maintenance of the provided items.**

Section 94 funds cannot be used for on-going maintenance or re-current funding, except in the case of road maintenance costs. Therefore unless it can be established that population growth necessitates additional facilities, s94 cannot be used to provide more facilities and equipment. It is therefore not considered appropriate to include on-going maintenance or re-current funding in the s94 plan.

Recommendation: No change to the plan.

- 7. Fingal Rovers Surf Club has identified a number of areas where additional assistance is required to account for the additional members that have joined the club over the past few years.**

Fingal is one of a number of clubs along the Tweed coast that struggles for funds to purchase or replace surf lifesaving equipment as well as attempting to maintain the condition of their buildings. However S94 cannot be used to assist with deficient facilities or provide for on-going maintenance or re-current funding. A number of the facility and equipment requests from Fingal do not relate directly to development. Council has an on-going dialogue with the surf lifesaving clubs along the Tweed coast and is assisting where it can through CP16.

Recommendation: No change to the plan

- 8. Is Council willing to borrow against future s94 contributions to allow the projected funds allocated for building a new surf club to be utilised prior to the funds coming into Council?**

No consideration has been given to borrowing the funds to allow the construction of the replacement building to proceed in the short term in rather five years as contained in the plan. S94 does permit the interest to be paid on borrowed funds to be recouped through contributions and, if considered urgent, a case could be put to Council to consider bringing forward funding of the club. The Tweed and Kingscliff libraries and the cemetery are examples of facilities where council has borrowed the funds to be repaid back through s94 contributions. However this issue should be considered as part of any future amendment if deemed appropriate depending upon timing and alternative initiatives in part/wholly fund the building. The possible interest payments over different time periods are set out below.

Recommendation: No change to the plan.

- 9. Under what circumstances can S94 funds be used on land that is not owned by Council?**

In obtaining community facilities or land such as open space, Council normally requires that the land be dedicated to Council, or Council purchases the land through s94 contributions. It is critical

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in terms of Section 94 that Council controls and operates these facilities over a long term period. (However one site identified, and favoured by Cabarita Beach SLSC, is land already owned by the club).

There appears to be nothing in the legislation preventing council from expending funds on a privately owned block of land. However as the proposed building involves the use of s94 funds which are to be used for the purpose set out in the contribution plan, the use of the building and land requires some long term certainty. Legal advice received is that council should either purchase the land or enter into a long term lease agreement with the club to secure the building for its intended use (perhaps a 99 year lease). Funds for the purchase of the land would come from CP16 contributions, requiring a further amendment.

Recommendation: No change to the plan. Discussion with the club will be required to clarify the site and any related issues such as a lease agreement or possible land purchase.

### **10. There is no provision for surf lifesaving facilities at Black Rocks.**

The facilities and equipment contained in the S94 plan were a result of negotiations with the surf lifesaving clubs operating along the Tweed Coast. Outpost facilities and equipment for the Pottsville area (of which Black Rocks is a part) have been identified in the plan. Further needs in that area which can meet the requirements of s94 funding should be identified by the relevant club and communicated to Council. As Pottsville is currently covered in the plan it is recommended that Black Rocks not be considered as part of this amendment.

Recommendation: No change to plan

### **11. It should be recognised that there is an existing need for a surf lifesaving facility at Pottsville, that is, of higher priority than at South Kingscliff.**

The issue of spending priority under the s94 plan is a matter for discussion with the clubs. The s94 plan contains clear statements of estimates, requirements and funds between the clubs' needs.

Recommendation: No change to the plan.

### **12. A similar size storage/ vehicle shed/first aid room be provided at Pottsville as that planned at South Kingscliff.**

As more equipment is required for the South Kingscliff outpost (particularly the two vehicles) it was deemed necessary to provide larger storage facilities than that required for the Pottsville outpost.

Recommendation: No change to the plan.

### **13. There is no reference in the plan as to how the surf lifesaving facilities will be provided for the specific daily needs of the tourist resorts. Should the developers of these resorts be obliged to ensure the safety of their clients by negotiating with SLS of NSW to employ lifeguards.**

The developers of Kings Beach North have proposed that a full-time lifeguard will be employed at the proposed seaside resort. This will be in addition to any lifesaving duty undertaken by the SLS of NSW. It would appear that no discussions have taken place to date between SLS of NSW and



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the developers with respect to these arrangements. It is probably a matter for discussion between the actual operator of the resort and the Society and therefore should be resolved outside of the s94 plan.

Recommendation: No change to the plan

### **COUNCIL RESOLUTION OF 1 NOVEMBER**

#### **Comments: Manager Financial Services**

1. The interest cost of borrowing against the projected income of \$500,000 is as follows:

5 years - \$104,241

15 years - \$325,820

20 years - \$451,125

25 years - \$585,138

30 years - \$691,698

External loan borrowers are subject to the limits set by the Department of Local Government. There is no guarantee that the approval to borrow on this proposed project would be given in 2000/01.

### **PUBLIC EXHIBITION**

A notice in the form required by the Environmental Planning and Assessment Regulation 1994 was placed in the Tweed Link in July and the exhibition period was for 28 days to 15 October 2000.

The Environmental Planning and Assessment Regulation 1994 (30) provides that:

*“...a Council may:*

- *approve the Plan in the form exhibited*
- *approve the Plan with such alterations as the Council thinks fit, or*
- *decide not to proceed with the Plan.*

*Council must give public notice of its decision in a local newspaper within 14 days after the decision is made.”*

It is recommended that Council publish a notice of approval of the amended Plan with the changes as described above, in order to bring the amended Plan into effect.

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### 4. ORIGIN: Development Assessment Unit

**FILE REF: DA2131/455 Pt1**

**REPORT TITLE:**

**Development Application 0960/2000DA - Erection of a Seven (7) Storey Residential Flat Building Comprising 33 x 2 Bedroom Units at Lot 301 DP 866495 Corner Frances and Enid Streets, Tweed Heads**

**SUMMARY OF REPORT:**

The Department of Housing proposes to erect a 7 storey residential flat building comprising 33 x 2 bedroom units at the corner of Enid and Frances Streets, Tweed Heads. The proposal will assist in meeting the demands for the provision of public housing in the area. The application is recommended for approval. The Section 94 contributions have been negotiated with the Department of Housing.

**RECOMMENDATION:**

That Development Application 0960/2000DA for the erection of a 7 storey residential flat building comprising 33 x 2 bedroom units at Lot 301 DP 866495 Cnr Frances and Enid Streets, Tweed Heads be approved subject to the following conditions:-

**PRE-REQUISITES - conditions that must be complied with prior to commencement of construction**

1. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan prior to commencement of work.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter shall be recalculated in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment, on the basis of the assumptions adopted in the letter of Jim Glazebrook and Associates dated 12 September 2000.

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

- a. Tweed Road Contribution Plan: \$12,951

S94 Plan No. 4 (Version 4.0)

(Tweed Heads - Residential)

**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 4.1 prior to commencement of work. The contribution shall be based on the following formula:-

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

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)

$\text{\$Unit}$  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

### Notes:

(a) Council has adopted the following resolutions in relation to waiving the requirement to pay the heavy haulage levy where materials are obtained from a designated source:

“i. Council waives the Tweed Road Contribution requirements on destination developments arising from heavy haulage on materials obtained from quarries (designated sources) that have paid the agreed annual lump sum.

ii. A schedule of Lump Sum Payments for the designated sources is available from the Financial Services Unit.”

b. Open Space (Structured): \$2286.00

S94 Plan No. 5

c. Open Space (Casual): \$5998.50

S94 Plan No. 5

d. Shirewide Library Facilities: \$4188.00

S94 Plan No. 11

e. Bus Shelters: \$327.00

S94 Plan No. 12

f. Eviron Cemetery/Crematorium Facilities: \$2046.00

S94 Plan No. 13

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- g. Emergency Facilities (Surf Lifesaving) \$1125.70  
S94 Plan No. 16
  - h. Extensions to Council Administration Offices  
& Technical Support Facilities \$4851.12  
S94 Plan No. 18
  - i. Cycleways \$2574.15  
S94 Plan No. 22
2. A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 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 commencement of work.

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

Water: \$48,465

Sewer: \$40,095

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter shall be recalculated in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment, on the basis of the assumptions adopted in the letter of Jim Glazebrook and Associates dated 12 September 2000.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

### GENERAL

- 3. The development shall be completed in general accordance with Plan Nos DA00A to DA23A prepared by Burns Design Architecture and dated August 2000 and amendments by letter from Jim Glazebrook and Associates dated 23 October 2000, except where varied by these conditions.
- 4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
- 5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in consultation with the Director of Engineering Services prior to any use or occupation of the buildings.
- 6. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers

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- and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
7. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, in consultation with the Director, Development Services.
  8. The provision of forty eight (48) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
  9. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
  10. Any car parking floodlighting shall not spill beyond the boundaries of the site.
  11. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
  12. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
    - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
    - b. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
  13. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
  14. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
  15. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead"..
  16. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
  17. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
  18. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base or

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otherwise retained to the satisfaction of Council. All retaining works shall be completed prior to start of work.

19. This consent authorises the importing of approximately 900m<sup>3</sup> of extractive material to the site. Prior to commencement of work the source(s) of material and haulage route is to be provided to Council.
20. Spoil excavated from the site is to be disposed of at an approved waste management facility.
21. The exterior colours and materials used in the construction of the building are to be generally in accordance with details provided by Burns Architecture in a letter dated 18 September 2000.
22. Bicycle parking to be provided in accordance with the Statement of Environmental Effects.

### **ROADS/STREETS**

23. All disused layback gutter crossings in Enid and Frances Streets are to be removed and re-instated with kerb and gutter in accordance with Council specification.
24. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.
25. The concrete driveway across the footpath is to be 150 millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
26. The driveway is to be constructed 6 metres wide at the property boundary and 9 metres wide at the kerb line with a uniform taper if a splay is specified.
27. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
28. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 in consultation with the Director of Engineering Services.
29. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Enid Street frontage. The compacted base is to achieve a 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the

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property boundary. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

### **DRAINAGE/FLOODING**

30. Erosion and Sediment Control During the Construction Phase of Development is to be carried out in accordance with the Erosion and Sediment Control Plan submitted with the development application.
31. Permanent Stormwater Quality Treatment is to be provided in accordance with the Stormwater Management Plan submitted with the development application.
32. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

33. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note All roof water must be connected to an interallotment drainage system where available.
34. Provision to be made for the designation of a (or "n") durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

### **ENVIRONMENT PROTECTION**

35. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
36. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
37. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
38. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
39. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
40. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.



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41. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period – the duration.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
42. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording to the satisfaction of the Director of Development Services.
43. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
44. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device in consultation with the Director of Engineering Services.
45. The burning of builders waste on site by open fire is prohibited.
46. Prior to commencement of works all required sedimentation and siltation control measures are to be installed. Sedimentation and siltation control measures are to be installed in accordance with the Erosion and Sedimentation.
47. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be developed in consultation with the Director of Environment and Community Services.
- The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.
48. All water resulting from site dewatering processes are to be appropriately treated where required to conform to the following prior to any off site discharge of such waters:-
- Dissolved oxygen  $6.5 < DO \leq 9.0$
- Plan prepared by Weathered Howe (August 2000) and submitted with the development application.

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49. Monitoring of all discharge water is to be undertaken and results recorded on a daily basis and made available to Council officers on request.
50. All external lighting for security, circulation, carparking and the like is to be appropriately shielded where necessary to prevent the spillage of light onto adjacent residences and to prevent such light becoming a source of nuisance to the occupiers of neighbouring residential premises.
51. All practical measures (eg. installation of hay bales around diesel pump motors) shall be taken on site to mitigate adverse or offensive noise levels associated with on site de-watering operations. Particularly where operations are to extend for long periods of time or in the early hours of the morning and late at night.
52. The site supervisor is to ensure that all trucks engaged in carrying soil enter and leave the site with loads covered.

### **PRESCRIBED (BUILDING)**

53. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
54. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
55. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
56. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  - i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.

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- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
57. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia.
58. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
59. Note: Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.
- Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.
60. Sewer main within site is to be accurately located prior to start of any building works.
61. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to certify that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

### **PLUMBING AND DRAINAGE**

62. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
  - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting (Note: All water plumbing is to be under test at time of inspection);
  - c. external drainage prior to backfilling.
  - d. completion of work
63. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

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64. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
65. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
66. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
67. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
68. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
69. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
70. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
  - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

71. Where two (2) ore more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
72. Prior to commencement of building works a plumbing inspection fee of \$585 is to be submitted to Council.

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### REPORT:

**Applicant:** Resitech  
**Owner:**  
**Location:** Lot 301 DP 866495 Corner Frances and Enid Streets, Tweed Heads  
**Zoning:** 2(b) Medium Density Residential (TLEP 2000)  
**Est. Cost:**

### BACKGROUND

A development application has been submitted by Resitech, a service arm of the Department of Housing, for the erection of a seven (7) storey residential flat building comprising 33 x 2 bedroom units.

The subject land falls within the area affected by Tweed Heads 2000+ Strategic Plan, which was adopted by Council in 1995 as a policy basis for the development of more detailed planning controls. With the introduction of Tweed Local Environmental Plan 2000 (TLEP 2000) earlier this year a number of zonings in the immediate area of the subject site were amended in accordance with the Strategic Plan. The subject land was rezoned from 3(b) District Centre zone under TLEP 1987 to 2(b) Medium Density Residential zone under TLEP 2000.

The proposed development is identified as a crown development as it is being carried out by the Department of Housing. Therefore, Council cannot impose any conditions of consent without the written approval of the Minister or the applicant. The recommended conditions have been referred to the applicant and agreed upon should Council wish to approve the application.

The land is described as Lot 301 DP 866495 corner Enid Street and Frances Street, Tweed Heads. The site has an area of approximately 1942m<sup>2</sup> with frontages of approximately 40m to Enid Street and 48m to Frances Street.

An existing single storey concrete brick dwelling is located in the north western corner of the site. The balance of the site is vacant.

Surrounding development is characterised by a mixture of low and medium density housing forms to the west and south west, commercial development to the south east, commercial/retailing development centred upon Wharf Street to the east and a mixture of commercial/retail and residential development to the north. St Joseph's Church, Church hall and school are located opposite the site on the south western, north western and north eastern corners of the Enid/Frances Street intersection, respectively.

### PROPOSAL

The proposal involves the erection of multi dwelling housing contained in a 7 storey building, comprising a ground floor car park and 6 levels of residential accommodation.

The existing dwelling house and other improvements would be demolished and removed from the site.

A total of thirty three (33), two (2) bedroom units are proposed. Each of the first five levels of residential floor space would contain 6 units. Level 6 would comprise 3 units.

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The building is primarily a concrete structure, comprising a 6 storey tower sitting atop a 3m high podium. The building is proposed to be finished in a combination of face brick and blockwork cement rendered with metal roofing and some metal wall cladding. Colours proposed in the building include a combination of browns, greys, white and pink/cream. The building is relatively well articulated with a number of fin walls extending out from the walls of the building. A copy of the plans will be available in the Council chambers for viewing prior to the meeting.

A ground level car parking area, located primarily under the building, is designed to accommodate a total of 48 vehicle spaces.

Residential units would have gross floor areas ranging from 83m<sup>2</sup> to approximately 94m<sup>2</sup> in area. Floor plan layouts typically include 2 bedrooms, bathroom/ensuite, kitchen, laundry, dining and living areas. All units would have a minimum of 1 balcony, directly accessible from the living area.

The podium level includes an area of approximately 120m<sup>2</sup> which would be landscaped and embellished providing a outdoor recreation area for barbeques etc and will be available to all residents.

Vehicle access to the site is proposed via a new concrete crossover and driveway located at the southern end of the properties Enid Street frontage.

A well developed pedestrian footpath network exists in the locality, particularly between the site and Wharf Street to the east. An existing 1.2m wide footpath extends along the Frances Street frontage. Any consent granted should require the provision for a footpath along the Enid Street frontage. The major pedestrian access to the site would be located on Enid Street, leading to a ground floor entry foyer. A secondary access is proposed to be located at the eastern end of Frances Street frontage. A internal path within the site is proposed to link the pedestrian access points.

### ASSESSMENT

Provided below is an assessment of the proposed development in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979.

#### (a) (i) Any Environmental Planning Instrument

##### **Tweed Local Environmental Plan 2000 (TLEP 2000)**

The subject land is zoned 2(b) Medium Density Residential under the provisions of TLEP 2000. The development is categorised as multi-dwelling housing and is permissible with consent of Council. The objectives of the 2(b) zone are as follows:-

##### *“Primary objective*

- *to provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.*

##### *Secondary objectives*

- *to allow for non-residential development which supports the residential use of the locality.*

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- *to allow for tourist accommodation that is compatible with the character of the surrounding locality.*
- *to discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.”*

It is considered the proposed development is consistent with the primary object of the zone providing for high density housing in close proximity to Tweed Heads sub-regional centre while achieving good urban design. It is also considered that the proposed development is consistent with the secondary objective as outlined by point 3 despite the development not achieving the 12 storey maximum height limit. The development achieves a relatively high density (1 dwelling per 59m<sup>2</sup> of site area), while being sensitive to the lower scale 1-2 storey development in the immediate vicinity. The reduced height of 7 storeys allows the development to minimise the environmental impacts on adjoining development.

### **Clause 15 – Availability of Central Services**

Water, sewer, power, natural gas and telephone services are available to the site. Council's Engineering Services Division has confirmed that there is sufficient capacity within Council's reticulated water and sewer services to accommodate the development.

### **Clause 16 – Heights of Buildings**

The heights of building maps accompanying the TLEP 2000 indicates that a maximum height limit of 12 storeys applies to any development of the subject land.

The maximum height of the proposed building is 7 storeys, well within the maximum height limit.

### **Clause 35 – Acid Sulfate Soils**

The subject land is mapped as Class 2 land on Council's Acid Sulfate Soil Planning Map.

In response to the requirements of this clause the applicant submitted a preliminary acid sulfate soil management plan. This plan has been reviewed by Council's Environmental Health Officers who have raised no objections to the plan. Appropriate conditions in relation to this plan are proposed as conditions of any consent granted.

### **North Coast Regional Environmental Plan 1988 (NCREP 1988)**

It is considered the development is consistent with this Plan.

### **State Environmental Planning Policies (SEPPS)**

#### **SEPP55 – Remediation of Land**

This SEPP requires an assessment of the likelihood of contamination of the land as a result of previous land uses. The applicant submits the following:-

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*“The likelihood that the site would contain contaminated soil(s) is extremely low. The subject land has been used for urban residential purposes for approximately 80 years, from shortly after the time that the original village plan for Tweed Heads (Village of South Coolum – Deposited Plan 4043) was registered with the Lands Titles Office.*

*Discussion with Council officers indicate that the primary concern with respect to site contamination is the possibility that the site was affected by works associated with the former Tweed Heads Rail Line, which is known to have occupied land in the vicinity of the site.*

*A review of photography in or about 1950 (Fred Lang, View of Tweed Heads from Razorback, offices of Brown and Pluthero, Consulting Surveyors) indicates that the subject land was not affected by nor utilised in association with, the railway undertakings.*

*The Lang photography and later aerial photography (Department of Lands, 11595256-Run 1, August 1962) indicates that the subject land was utilised for residential purposes.*

*The risk of exposure to elevated levels of contaminants would be further reduced as a consequence of excavation and removal of the in situ soils across the majority of the site for construction of foundations.”*

Council’s Environmental Health Officer has reviewed these comments and have raised no concerns in this regard.

**(ii) Any Draft Environmental Planning Instruments applying to the Land**

There are no applicable draft Environmental Planning Instruments applying directly to the subject land which have been placed on public exhibition.

**(iii) Any Development Control Plans (DCPs) applying to the Land**

**DCP2 – Site Access and Parking Code**

Under the provisions of DCP2 the development is required to provide off street parking at a rate of 1.5 spaces per unit. On this basis, a total of 50 spaces would be required, including 13 visitor spaces.

The development proposes to provide 48 off street car parking spaces. The applicant submits that the loss of 2 spaces would be inconsequential in regard to the amount of off street parking available. This point is supported considering the development has frontage to both Enid and Frances Street. In addition, the provision of 2 less spaces than required under DCP2 allows for better manoeuvring within the car parking area and provision of bicycle parking.

34 covered car parking spaces, including 3 disabled spaces, are to be provided at ground floor level beneath the podium. 14 uncovered spaces are to be provided, contiguous with the covered parking area. Visitor parking is proposed to be separated into short



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stay, high turnover area comprising 5 spaces adjacent to Enid Street and longer term (overnight or longer) secure parking (7 spaces) within the ground floor area.

A security gate is proposed at the entry to the ground floor car park. The security gate has been provided to provide sufficient distance between the gate and the property boundary, to allow 2 vehicles to stand wholly within the property.

Under the provisions of DCP2, bicycle parking is required at a rate of 2 spaces per unit. The Department of Housing has submitted that it considers this requirement is excessive in this instance, having regard to the age and circumstances of those persons likely to reside in the building. It is proposed to provide 6 bicycle parking spaces in the area between Enid Street and the security gate entry to the car park, and a further 10 spaces adjacent to the eastern boundary of the site, making a total of 16 spaces.

Council has previously acknowledged that bicycle parking requirements under DCP2 are excessive. It is considered the provision of 16 bicycle spaces to be acceptable considering that it is expected that a high percentage of occupants of the development will be elderly.

DCP2 requires the provision of bus stop seating at a rate of 1 covered seat per 15 dwellings. In the case of this development this would result in the provision of 2 covered seats. The applicant submits that:-

*“Surfside Busline has confirmed that there are no bus routes serving either Enid or Frances Streets. The nearest route would be along Wharf Street to the east, with the nearest bus stop located on Wharf Street, opposite Tweed Mall.*

*The site is approximately 320m from the nearest bus stop and pedestrian access is via an existing concrete footpath. On this basis, it would be impractical and unnecessary to provide any other facilities”.*

As the development is not located on a designated bus route it is not considered practical nor reasonable to require the provision of the 2 covered bus stop seats. This requirement is further negated by the location of a existing bus stop within 320m of the development. It is generally accepted, that bus stops should be located within 400m of any residential dwelling to achieve maximum utilisation. The existing bus stop on Wharf Street is within this 400m criteria.

### **DCP5 – Development of Flood Liable Land**

The adopted design flood level for Tweed Heads locality is RL 2.65m AHD. The adopted minimum floor level for residential development is RL 2.95m AHD.

Existing site levels vary between RL 3.84m and 4.27m AHD. Finished site levels are proposed in the order of RL 4.3m AHD. The floor level at the first floor units is proposed at RL 7.3m AHD which is well above the adopted minimum floor level for residential development in this area.

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### Draft DCP18 – Tweed Heads

Council has recently prepared and exhibited draft DCP18 covering the Tweed Heads central area and the subject site. This plan has evolved from the Tweed Heads 2000+ Strategic Plan adopted by Council in 1995. The proposed development generally complies with the provision of this draft DCP.

Of note in this Plan is a requirement that for developments over 3 storeys in height a minimum site area of 2000m<sup>2</sup> is required. The subject site in this case has an area of 1942m<sup>2</sup>. This results in a shortfall of 60m<sup>2</sup> in area or 3%.

The objective of this 2000m<sup>2</sup> requirement is to encourage site consolidation allowing for better design outcomes.

The site of this development is a result of the consolidation of 3 properties. Therefore, it is considered that the minor variation of 60m<sup>2</sup> is acceptable as the objectives of this requirement have been achieved. The only other areas of non compliance with the draft DCP and Tweed Heads 2000+ Strategy relate to setbacks and building envelopes.

The building will encroach upon the building envelope on both the eastern and southern facades. The encroachments are relatively minor and primarily restricted to the upper level of the building.

A small area of the podium stands approximately 1.45m from the eastern boundary. A open pergola also sits within the setback. In support of a variation to these requirements the applicant submits the following:-

- “1. Only a small area of the podium encroaches into the building envelope from the eastern façade while other parts of the podium on the same façade are setback well beyond the minimum requirement;*
- 2. The podium encroachment on the eastern façade, would be located adjacent to an area of the adjoining property currently utilised for car parking purposes, and is therefore unlikely to adversely affect existing amenity;*
- 3. The property to the east is zoned 3(b) General Business (TLEP 2000) and any redevelopment of the site under the Tweed Heads 2000+ Strategic Plan, would be less sensitive to the proximity of the podium conventional residential development;*
- 4. The upper level encroachments represent, proportionately, only a very small area of each of the respective facades of the building and are more off set than the other parts of the same façade(s) at the same or lower levels, being setback well beyond the building envelope;*
- 5. Any redevelopment of the adjoining properties to the south and east would have the opportunity to appropriately plan around the design and location of the proposed development, to maintain satisfactory*

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*separation, privacy and amenity, the minor encroachment assists in articulation of the building façade to create visual interest and;*

6. *In the context of bulk, scale and design of the building, the upper level encroachments would be unlikely to be perceived by the casual observer at street level or other public areas”.*

The points raised in the above submission by the applicant are agreed with. It is considered the encroachments to the building envelope and setbacks are of a relatively minor nature in the context of the overall development. The encroachments do not provide for any additional yield in terms of the number of units but rather provide increased amenity to residents residing in the development while allowing a more articulated and interesting urban design outcome.

It should also be noted that the most significant encroachments are to the east where commercially zoned land directly adjoins. The potential impacts on future development to the east is therefore reduced.

It is considered the encroachments are acceptable.

### **DCP39 – Energy Smart Homes Policy**

The proposed development fully complies with the provisions of DCP39 with all units achieving a 3.5 star rating or higher. It is also proposed to provide a gas hot water system to service the development complying with the requirements of this plan.

### **(b) Environmental Impacts**

#### Visual Impacts

The proposed development will be the first highrise building in the precinct as identified by Tweed Heads 2000+ Strategic Plan. The development will undoubtedly have a visual impact in context with the surrounding built environment comprising 1 & 2 storey buildings.

The applicant in response to this has designed the building to incorporate the following elements.

- Limiting the height of the building to 7 storeys, well below the maximum height of 12 storeys identified under the LEP.
- Variations in material finishes and colours as previously described.
- Variations in setback of building façade and rooflines; and
- Well considered placement and use of windows, balconies, fin walls, sun hood and privacy screens to further articulate facades of the building and therefore reduce the apparent vertical and horizontal massing of the tower structure.

In light of the objective of trying to achieve higher density development within this precinct, it is considered the visual appearance of the building to be satisfactory.

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### Amenity

The proposed development will result in impacts on amenity to adjoining residents as a result of loss of privacy, views, and overshadowing of adjoining properties.

Privacy impacts will result from overlooking and noise generated from the car parking area. To address these issues the applicant intends to erect a 1.5m high masonry fence along the southern boundary to mitigate noise transmission. The fence would also provide visual privacy and reduce light spill.

The potential for overlooking has been addressed by limiting the size of south facing balconies to reduce their attractiveness for casual recreation use, provision of alternative larger balconies on the western façade, and provision of fixed privacy screens to south facing balcony balustrades.

Views from elevated properties to the west will be interrupted as a result of the development. However, views will remain available from these properties to the south east and north east.

The development would not affect the key vista view corridor from Razorback, identified in Tweed Heads 2000+ Strategic Plan.

It has generally been accepted by the Land and Environment Court that people do not have an exclusive right to a view but rather views should be shared. Based on this principle, it is considered the loss of views anticipated are acceptable.

Overshadowing of the adjoining dwelling to the south will occur. Shadow diagrams provided by the applicant indicate that the northern end of this dwelling (approximately 25%) will experience some overshadowing from early morning until early afternoon, following which the dwelling will enjoy 3 ½ hours of full sunlight until approximately 4.30pm.

The rear yard of the adjoining property would enjoy full morning sun until approximately 10am and the front yard area would enjoy full sun from approximately 11am.

By 3pm mid winter the shadow cast would extend to the south east, affecting the rear yard areas of the adjoining properties to the south and a number of residential properties fronting Beryl Street. The shadow would also extend to 2 dwellings to the south east fronting Beryl Street. A small area of the adjoining commercial site to the east would also be affected. The applicant submits that:-

*“The anticipated shadow impacts are within acceptable limits and have been managed satisfactorily through:*

- \* limiting the overall height of the building to 7 storeys,*
- \* reducing the floor area (footprint of the 7<sup>th</sup> floor); and*
- \* variations in roof height levels”.*

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Overshadowing is inevitable with high rise development. An acceptable standard for measuring impacts of overshadowing is that adjoining properties should receive at least 4 hours of sunlight over 50% of the property between the hours of 9am and 3pm mid winter. This development achieves this standard. Therefore, it is considered impacts from overshadowing are acceptable.

### Soil and Water Management

The risks of erosion are relatively low as a result of the site being flat. The applicant proposes to provide permanent measures for detention and treatment of stormwater in accordance with Council's Urban Stormwater Management Plan.

Council's Engineering Services Division has considered a draft stormwater management plan submitted with the application and has raised no objections to the proposal on these grounds. Appropriate conditions of consent are required in relation to this matter.

### Waste Management

Demolition of existing buildings on the site will need to be carried out in accordance with Australian Standard AS2601. This will be conditioned as a requirement of any consent.

Domestic waste management will be provided by a common storage bin located in the basement car parking area. The applicant has submitted a letter from Solo Waste confirming that waste management services can be provided. This will involve the servicing of the bin within the site.

### Traffic

Council's Traffic Engineer has reviewed the proposal and provided the following comments:-

*"A detailed traffic study is not required for this development as it is only likely to produce a maximum of 130 vehicle trips per day (see TRCP No. 4). If this traffic is spread out over a 10 hour period in any 1 day this involves only 13 vehicles per hour which is not considered to be an impact on the existing road network given that it is an urban and commercial area with at least 12m wide road pavements and kerb and gutter.*

*Given the advice of the Department that disabled and elderly persons will occupy the unit development there is likely to be less traffic generated and the impact on parking and traffic will be even less. Council has provided ample school bus zones as requested by St Josephs' Catholic School and the development will have no impact on these zones".*

It is considered that the capacity of the road network in the vicinity is adequate to accommodate the proposed development.

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### Social and Economic Impacts

The development will lead to short term employment opportunities in the design and construction industry.

The estimated cost of construction of the development of \$4,000,000 much of which will be spent in the Tweed region, through the use of locally sourced materials, builders and tradespeople.

The development in a broader economic sense has a potential to stimulate further investment and interest in the Tweed Heads locality.

From the social perspective the development will provide additional housing to meet an identified short fall in the Tweed Heads area. The applicant submits that:-

*“The greatest need for public housing in the Tweed local government area is for 1 and 2 person households. The majority of applicants for public housing are elderly pensioners and special needs clients.*

*There is currently in the order of 600 applicants on the Department’s one bedroom dwelling waiting list and 100 applicants on the two bedroom list (total of 1000 applicants). Of those, the earliest application on the one bedroom list is from 1987, while the earliest application on the two bedroom list is from 1986.*

*On this basis, on average, it would take approximately 9 years for an applicant to be placed.*

*There is therefore an urgent need for an increase in public housing in the Tweed locality.”*

The development will not place any significant demand for additional public services. The development is ideally located in close proximity to public transport, shops, clubs, medical services, and recreation facilities. These factors are considered all to result in a net positive social impact.

It may be argued that it is not desirable to locate large numbers of lower socio-economic people in a single complex as it results in increased social problems. However, having regard to the applicants submission that a large percentage of people residing in this development will be elderly pensioners and special needs clients, the risk of this resulting is reduced. Also, it is considered that the location of the development in close proximity to a number of services and facilities provide opportunities to residents and allows integration of residents into the central business district community of Tweed Heads.

It is considered when you weigh up the net positive benefits they outweigh the potential negative impacts.

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(c) **Suitability of the Site for the Development**

The subject site is as previously described located in close proximity to the main business area of Tweed Heads and is relatively flat. The site is adequately serviced by all essential services. The site has been zoned for high rise development and is considered suitable for the proposed development.

A geotechnical report has been prepared for the site which identifies the site constraints. Conventional piling or piercing would be expensive. Consequently, a raft slab is proposed.

Approximately 1600m<sup>3</sup> of material will need to be removed from the site and 900m<sup>3</sup> of clean fill imported to the site.

(d) **Any Submissions**

The application was advertised in the Tweed Link and adjoining property owners notified for a period of 14 days. At the conclusion of the advertising period 38 submissions were received. 37 of which were objecting to the development and one from the Tweed District Ratepayers Association in support of the application. 34 letters of objection were form letters objecting to the proposal. The following planning issues were raised in relation to the development:-

- ***The development application does not comply with Development Control Plan No. 18 in the following respects:***
  1. ***Total site area is less than the required minimum of 2000m<sup>2</sup>.***
  2. ***The size and location of the private open space provided on site is not in accordance with the draft plan.***
  3. ***The proposed setbacks from the building to the side boundary are not in accordance with the draft plan.***

**Comment**

These issues have previously been addressed in the report.

- The development application does not comply with Development Control Plan No. 2- Site Access and Parking Code.

**Comment**

Issues relating to non compliance with DCP2 have previously been discussed in this report.

- ***Traffic impacts particularly in relation to the adjacent school and church.***

**Comment**

Council's Traffic Engineer provided the following comments in regard to this issue:-

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*“A detailed traffic study is not required for this development as it is only likely to produce a maximum of 132 vehicle trips per day (see TRCP No 4). If this traffic is spread out over a ten hour period in any one day this involves only 13 vehicles per hour which is not considered to be an impact on the existing road network given that it is an urban and commercial area with at least 12m wide road pavements and kerb and gutter.*

*Given the advice of the Department that disabled and elderly persons will occupy the unit development there is likely to be less traffic generated and the impact on parking and traffic will be even less. The objection raises the issues of school buses, however, Council has provided amply school bus zones as requested by the St Joseph’s Catholic School and the development will have no impact on these bus zones.*

*The fact that the pre-school and church have failed to provide sufficient on site car parking is not a reason that is valid when considering any development which does provide adequate car parking. From observations the only conflicts cause in the area is before and after school when parents converge on the school and pre-school, however, this could be greatly overcome by the owner of the development providing on site parking.*

*The objection also raises potential impacts on pedestrians and school children, however, there is nothing in the submission to substantiate any adverse impacts on these user groups. Enid & Frances Streets already have concrete footpaving and the intersection of Enid & Frances Streets already has existing zebra crossings. Furthermore, given that the development has only one driveway entrance and vehicles entering or leaving the site will be travelling in a forward direction no adverse safety impacts are expected in regards pedestrians.*

*Frances Street currently carried 8,900 vehicles per day, which is only above 50% of its capacity and Enid Street carries 1,422 vehicles per day. Both streets can easily absorb the traffic generated by the development and will have a negligible impact on traffic flows and congestion in the area.*

*In conclusion, the objection contains no valid arguments that demonstrate the proposed development would have any adverse impacts on the area.”*

- ***The development may restrict the use of Jack Chard park as a playing field for St Joseph’s Primary School.***

### **Comment**

It is not anticipated that the development will result in a significant increase in use of this park and substantially reduce the availability of this park for use by St Joseph’s Primary School. Notwithstanding this, it should be noted that this park is a public park and should be available for use by the general public as a whole.



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- ***Concern regarding garbage disposal***

**Comment**

This issue has previously been addressed in the report.

- ***Loss of amenity and privacy by the school***

**Comment**

St Joseph's school is located on the opposite side of Frances Street and it is considered that this separation provides adequate privacy to the school.

- ***The availability of essential services***

**Comment**

Council's Water and Sewerage Sections have confirmed that adequate services are available to accommodate the development.

- ***Site contamination***

**Comment**

The applicant has provided a detailed history of previous uses on the site. Council's Environment and Health Officer has reviewed the submission made and has concluded there is minimal risk of contamination occurring on this site.

- ***Concern regarding stockpiling of sand on site***

**Comment**

Appropriate erosion and sediment control measures will need to be put in place and are included as conditions of consent.

- ***Concerns regarding construction noise***

**Comment**

A condition of consent regarding acceptable noise limits will be imposed as a condition of consent.

- ***Section 94 Contributions***

**Comment**

See preceding section of this report.

- ***Impact on the locality as a result of bulk and scale***

**Comment**

See previous comments in this report.

**Government Authority Submissions**

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The subject application was not required to be formally notified to any Government authorities.

(e) **Public Interest**

The proposed development is considered to be consistent with the objectives of Tweed Heads 2000+ Strategy and Strategic Plan. The development will provide additional public housing to meet an identified shortfall within the Tweed area. It is therefore considered the development is in the public interest.

### Section 94 Contributions

Section 94 contributions under the Environmental Planning and Assessment Act, 1979 and Section 64 contributions under the Water Supply Authorities Act are applicable to this development.

The applicant has made a submission in regards to requesting a reduction in these contributions. This application represents a Crown development application for the purposes of Section 115I of the Environmental Planning and Assessment Act, 1979.

Section 159 provides:-

*“A consent authority, in respect of a development application made by or on behalf of the Crown must not:*

- a. refuse its consent to the application except with written approval of the Minister; or*
- b. impose a condition of consent except with written approval of the Minister or the applicant.”*

Therefore, prior to Council being able to apply any Section 94 or Section 64 charges *the applicant or the Minister must approve of the levying of such contributions.*

The Department of Housing have agreed to pay all applicable Section 94 and 64 contributions subject to a reduced rate. The Department have calculated contributions based on 1.5 persons per dwelling or in the case of road contributions based on a 50% reduction. It has been argued that a reduced rate is applicable due to the nature of occupants of the proposed units in terms of reduced car ownership and from historic data on occupancy rates of existing developments.

Section 94 contributions under Council's plans would equate to a total of \$59,756.31. The Department of Housing has agreed to pay an amount of \$36,347.41.

In relation to water and sewer headwork contributions Council's normal charges would equate to \$142,680. The Department of Housing are prepared to pay an amount of \$88,560.

It is considered the amounts the Department are willing to pay is reasonable. Having regard that should Council wish to seek the payment of the full contributions under the Plan, the matter is likely to be referred to the Minister for resolution and Council would run the risk of the Minister further reducing the contributions required to be paid by the Department of Housing.

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### OPTIONS

1. Not support the application and seek agreement from the Minister of Urban Affairs and Planning for Council to refuse the application.
2. Approve the application as per the recommendation.
3. Approve the application with the imposition of Section 94 contributions in accordance with Councils plans.

### LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

Should Council not wish to support the application or wish to impose conditions which cannot be agreed to by the Department, the matter would need to be referred to the Minister for Urban Affairs and Planning for resolution. This would result in a cost to Council in terms of resources.

### CONCLUSION

It is considered that the proposed erection of a 7 storey residential flat building for the purpose of providing public housing within the Tweed area is acceptable in terms of Councils planning controls. A number of relatively minor issues of non compliance with Councils Car Parking Code, Building Height Setbacks, Building Envelope requirement and site area requirements have been sought by the application. The areas of non compliance are considered acceptable in terms of the performance of the building overall and the objectives of the relevant plans. The application is recommended for approval subject to conditions.

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**5. ORIGIN: Strategic Town Planning Unit**

**FILE REF: Rural Settlement Strategy**

**REPORT TITLE:**

**Draft Rural Settlement Strategy.**

**SUMMARY OF REPORT:**

A draft Rural Settlement Strategy has been prepared. The draft is based on the requirements of the North Coast Regional Environmental Plan and the State Government's "Guidelines on Rural Settlement on the North Coast of NSW".

It is suggested that the draft be referred to the LEP Advisory Committee before being finalised by Council.

**RECOMMENDATION:**

That the draft Rural Settlement Strategy be referred to the Tweed Local Environmental Plan Advisory Committee and, subject to the comments of that Committee, be placed on public exhibition for 56 days.

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### REPORT:

A draft Rural Settlement Strategy has been prepared. The draft is based on the requirements of the North Coast Regional Environmental Plan and the State Government's "Guidelines on Rural Settlement on the North Coast of NSW".

It is recommended that the draft be referred to the LEP Advisory Committee and be placed on public exhibition subject to that Committee's comments. If the LEP Advisory Committee considers by consensus/majority to endorse the Plan for public exhibition – then it is proposed that this proceed. If no, then the Plan will be referred back to Council.

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## Reports from Director Development Services

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**6. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GT1/LEP/2000 Pt1**

**REPORT TITLE:**

**Local Environmental Plan (LEP) Advisory Committee.**

**SUMMARY OF REPORT:**

Following Council's decision to set up the Local Environmental Plan Advisory Committee nominations have been sought for membership. There have been six (6) nominations. The first meeting of the Advisory Committee was proposed for 30 November, 2000.

**RECOMMENDATION:**

That a further public notice be placed in the Tweed Link and that the first meeting of the Local Environmental Plan (LEP) Committee be deferred until mid December.

## Reports from Director Development Services

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### REPORT:

Council resolved on 18 October, 2000 to set up the LEP Advisory Committee comprising the following membership.

2 representatives from relevant professional consultants;

2 representatives of the broader community;

4 representatives of rural activities/farming in the Shire (2 from the eastern part of the Shire and 2 from the western);

1 representative of Environmental Interest Groups.

An appropriate notice has been placed in the Tweed Link and Daily News requesting nominations to the Committee. The following have been received:

<b>Membership Criteria</b>	<b>Nomination</b>
Broader community	Bruce Graham Trevor Stephenson
Farmer	Nancy Allen Don Beck (western)
Unspecified	Craig Venner Alan McIntosh

There have been insufficient nominations to fill the various positions. Therefore a further notice should be placed in the Tweed Link inviting further nominations.

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# Reports from Director Corporate Services

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**7. ORIGIN: Director**

**FILE REF: Tourism - General**

**REPORT TITLE:**

**Northern Rivers Tropical NSW Tourism Futures Project - "Spreading the Benefits"**

**SUMMARY OF REPORT:**

The Southern Cross University (SCU) School of Tourism and Hospitality Management, in conjunction with CSIRO, have completed Phase I of a regional database considered of value for Local Government residents and tourism stakeholders. The project is considering further funding options and seeks Council's endorsement for ongoing funding.

**RECOMMENDATION:**

That Council endorses the CSIRO and Southern Cross University (SCU) initiative to apply for further funding of the Northern Rivers Tropical NSW Tourism Futures Project.

## Reports from Director Corporate Services

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### REPORT:

The CSIRO, together with Southern Cross University (SCU) School of Tourism and Hospitality management, are seeking Council's endorsement of support for lodgement for final stage funding of the Northern Rivers Tropical NSW Tourism Futures Project.

The first phase of the project has been completed through a data gathering process involving Local Governments, residents, tourism options and other stakeholder groups.

The aim of the project is the establishment of a computer tool *“that has the potential to give the Northern Rivers Region's tourism industry and local governments a much sought after ‘competitive edge’”*.

Paul Walker, Senior Scientist from CSIRO has scheduled a presentation on Friday, 1 December 2000 at 3.00pm at the Ballina Beach Resort for a presentation on Stage 1.

Council's endorsement of the project is recommended.

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## Reports from Director Corporate Services

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**8. ORIGIN: Financial Services Unit**

**FILE REF: Budget**

**REPORT TITLE:**

**Financial Management Report**

**SUMMARY OF REPORT:**

Financial Management information for October 2000.

**RECOMMENDATION:**

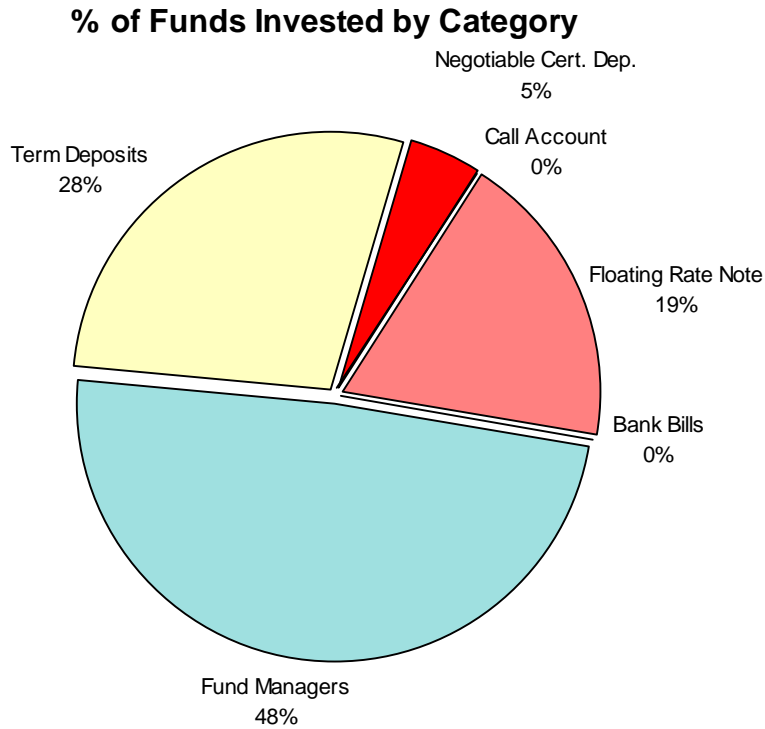
That this report be received and noted.

# Reports from Director Corporate Services

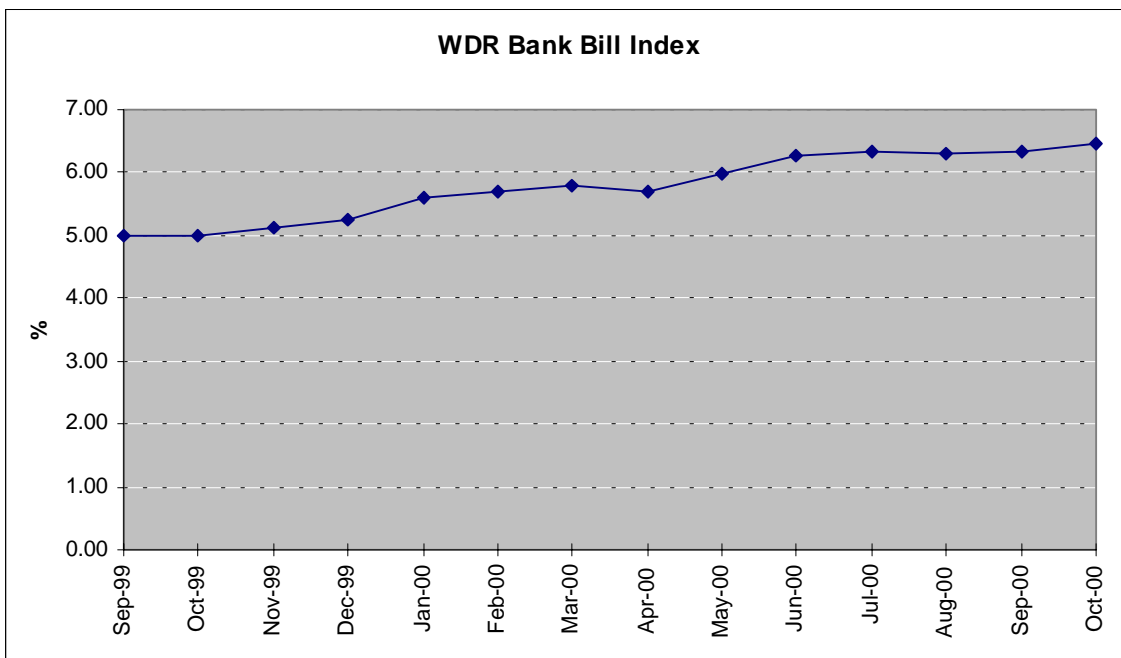
## REPORT:

The following financial information is provided for the period ending 31 October 2000:-

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY:



### INVESTMENT RATES – 90 DAY BANK BILL RATE %:

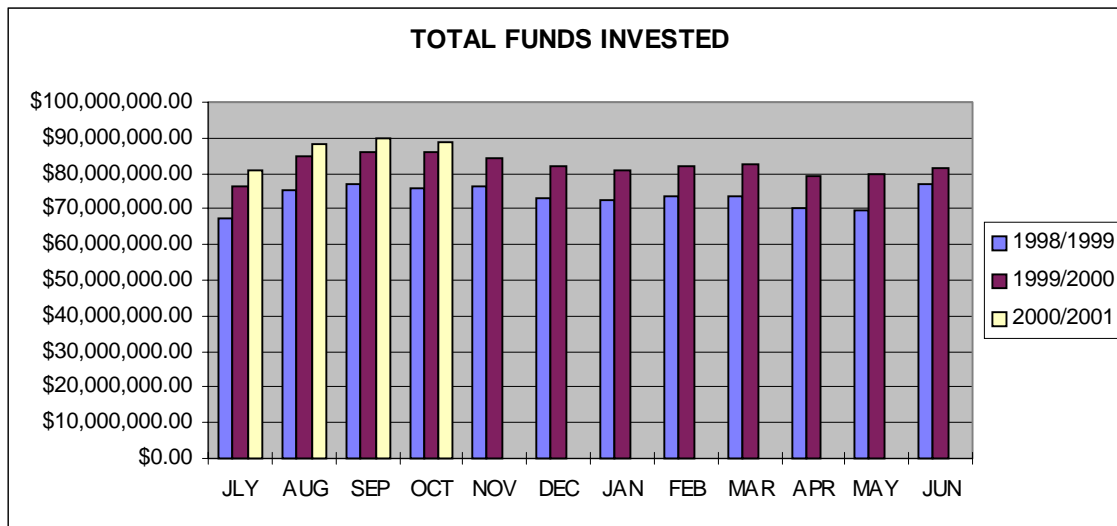


# Reports from Director Corporate Services

### 3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES:

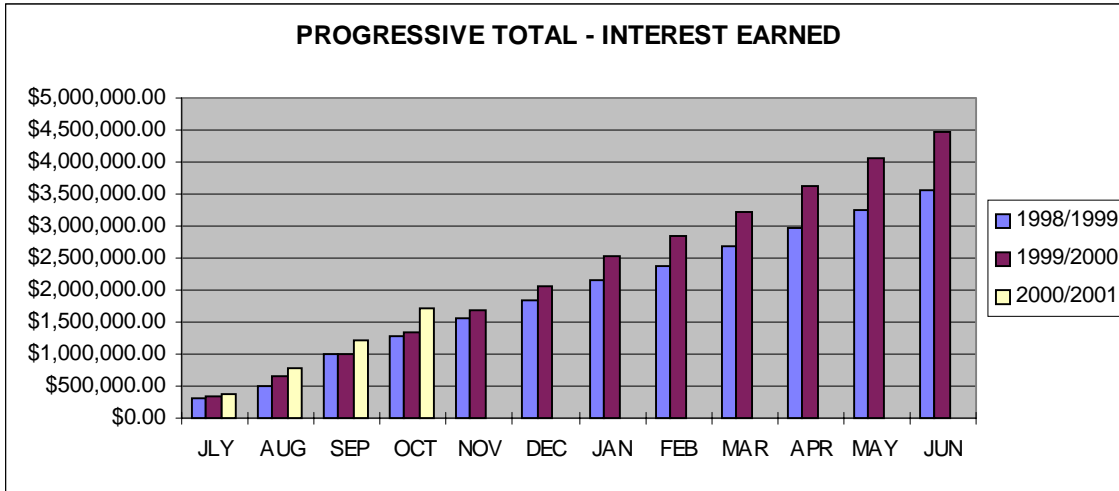
Fund	30 Days	90 Days	1 Year
ANZ	6.45	6.60	6.12
Bankers Trust	6.47	6.45	5.76
Macquarie	6.86	5.87	5.47
National Mutual	6.70	6.47	5.95

### 4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED:



# Reports from Director Corporate Services

## ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED:



### 6. INVESTMENT STRATEGY:

The Department of Local Government has recently issued a new “order” for investment requirements for NSW councils.

The “order” lists the authorised investments Council can make and sets additional responsibilities under “Investment guidelines” for councils to adhere to in terms of:

1. Assessing the quality and security of investments before they are made.
2. The additional responsibility to manage the investments in the manner of a professional trustee.

A detailed report outlining Tweed Shire Council’s approach to future investments will be submitted to Council during December 2000.

## Reports from Director Corporate Services

### 7. INVESTMENT SUMMARY AS AT 31 OCTOBER 2000:

#### GENERAL FUND

BANKS	22,655,000.00	
FUND MANAGERS	3,232,000.73	
LOCAL GOVT. FIN. SERVICES	500,000.00	
CALL	21,264.19	<b>26,408,264.92</b>

#### WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	26,650,363.32	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	<b>34,650,363.32</b>

#### SEWERAGE FUND

BANKS	2,056,000.00	
FUND MANAGERS	13,091,132.27	
LOCAL GOVT. INV. SERVICE	12,496,368.50	<b>27,643,500.77</b>

#### TRUST

FUND MANAGERS	50,000.00	<b>50,000.00</b>
---------------	-----------	------------------

**TOTAL INVESTMENTS** **88,752,129.01**

It should be noted that the General Fund investments of \$26.4 million are not available to be used for general purpose expenditure. It is virtually all restrict by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic 3waste, land development and employee leave entitlements.

#### STATUTORY STATEMENT – LOCAL GOVERNMENT FINANCIAL MANAGEMENT REGULATIONS (SEC 19)

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Financial Management Regulations and Council's investment policies.



**R R Norvill CPA**  
Responsible Account Officer  
Manager Financial Services

## Reports from Director Corporate Services

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### **ECONOMIC UPDATE**

The much anticipated September quarter CPI was released in the second half of October and surprised most by posting a much lower than expected 3.7% rise. The market was generally expecting a rise of 4.2% for the quarter.

Extracting the effect of the GST, underlying inflation is running in the order of 2.5%, the same rate of growth as in the June quarter.

The RBA continued its "wait and hold" strategy on further interest rate increases at both its October and November Board meetings. Some commentators are now talking of a possible further hike of 0.5% before Christmas.

The 90 Day Bank Bill Index swap rate traded within a range of 6.36% and 6.49% over the month of October with an average of 6.42% (14 basis points lower than the previous month and 15 basis points higher than August.

Gauging the latest strength in the economy continues to be difficult. Consumer confidence rebounded strongly from the pre-GST nervousness, though has recently weakened with concerns about higher interest rates, and oil prices and the continuing lows of the Australian dollar.

### **BUDGET IMPLICATIONS**

Close monitoring of Council's investment income against budget forecasts is continuing to be carried out. The weakening of the housing and non-residential market may require Council to reconsider budget income projections in the December 2000 budget review.

### **FINANCIAL REPORTING**

The following is a summary of estimated Income and Expenditure for the year ending 30 June 2001 in accordance with ASSS27.



# Reports from Director Corporate Services

**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993  
SCHEDULE 1 - FORMS  
FORM 1**

**Summary of Estimates of Income and Expenditure for the Year ended 30 June 2001  
Revised as at 30 September 2000**

Function	Original		Revised		Net Cost	
	Expenditure	Income	Expenditure	Income	Original	Revised
Administration	10741	314	11054	314	10,427	10740
Public Order & Safety	1387	683	1413	683	704	730
Health	709	65	713	65	644	648
Community Services & Education	393	1286	419	1286	(893)	(867)
Housing & Community Amenities	9720	9095	9775	9135	625	640
Water Supplies	5964	13693	6015	13693	(7,729)	(7678)
Sewerage Services	9037	19778	9037	19778	(10,741)	(10741)
Recreation & Culture	5341	1993	5388	2009	3,348	3379
Mining, Manufacturing & Construction	1301	1367	1306	1367	(66)	(61)
Transport & Communication	14001	4770	13971	4820	9,231	9151
Economic Affairs	3230	4164	3235	4164	(934)	(929)
General Purpose Revenues		25891	0	26278	(25,891)	(26278)
	61824	83099	62326	83592	(21275)	(21266)

*Add Expenses not involving flow of funds*

Depreciation

Increase in employees leave entitlements

**Sub-total**

Original	Revised	Original	Revised
(16,685)	(16685)		
(16,685)	(16,685)	(37,960)	(37,951)

*Add non-operating funds employed*

Carrying amount of assets sold

Cost of real estate assets sold

Loan funds used

Other debt finance

Repayments by deferred debtors

**Sub-total**

(1,532)	(1,532)		
(7,572)	(7,572)		
(9,104)	(9,104)	(47,064)	(47,055)

*Subtract funds deployed for non-operating purposes*

Acquisition of assets

Development of real estate

Advances to deferred debtors

Repayment of loans

Repayment of other debts

**Estimated Budget Result - Surplus**

41,273	41,646		
	0		
	0		
4,701	4,701		
45,974	46,347	(1,090)	(708)

**Reconciliation with Program Budget:**

Add Transfers to Reserves

7,753 7,726

Add Transfers from Reserves

(9,601) (9,956)

Subtract Interest on restricted funds not used in budget

2,938 2,938

Add/(Deduct) net increase/(decrease) in externally restricted assets (contributions)

- -

Program Budget Deficit/(Surplus)

- -

**Comprising:**

General Fund

- -

Water Fund

- -

Sewerage Fund

- -

## Reports from Director Corporate Services

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# Reports from Director Engineering Services

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**9. ORIGIN: Works Unit**

**FILE REF: Depot – Tweed Heads, Leases – Council Property**

**REPORT TITLE:**

**Lease - Tweed Heads Depot**

**SUMMARY OF REPORT:**

A storage bin company has offered to lease that portion of the Tweed Heads Depot previously occupied by Boyleys Bins. No objection is offered subject to conditions to Council's satisfaction.

**RECOMMENDATION:**

That Council enters into a lease with Collex Pty Ltd for part of the Tweed Heads Depot under the following conditions:

1. An annual fee of \$2,200, increased by CPI each year.
2. Only empty bins are to be stored with the area remaining clean and tidy.
3. The lease to be for three years with either party to terminate for any reason with three months notice.
4. All necessary documentation be completed under the Common Seal of Council.

## Reports from Director Engineering Services

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### REPORT:

Council has been approached by Collex Pty Ltd to lease the portion of Tweed Heads Depot previously occupied by Boyleys Bins for material recycling.

This area is fenced and not used by Council at present. The company want to use the area for bin storage only and not for other materials.

Council has had no other indication of interest in the area which would be of value for storage only.

Advice from State Valuation and local real estate agents is that a commercial rental of \$2,200 per annum should be charged.

No objection is offered provided:-

1. An annual fee of \$2,200, increased by CPI each year.
  2. Only empty bins are to be stored with the area remaining clean and tidy.
  3. The lease to be for three years with either party to terminate for any reason with three months notice.
-

## Reports from Director Engineering Services

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### 10. ORIGIN: Planning & Design Unit

**FILE REF:** Geographical Names Board

**REPORT TITLE:**

**Revisions/Naming of Localities**

**SUMMARY OF REPORT:**

Council's Locality Plan GNB3810, as gazetted, requires revision due to recent subdivisions throughout the Shire and should be further amended to create two new localities in anticipation of new development.

**RECOMMENDATION:**

That Council:-

1. Approves the revision of boundaries to Map GNB3810 and that the amended plan be displayed for public comment; and
2. Adopts, as an interim measure, the creation of two new localities (as embodied in this report) as "*Cudgen Beach*" and "*Kings Forest*" for display and public comment.

## Reports from Director Engineering Services

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### REPORT:

A Ministerial decision to adopt the names and cadastral boundaries of the 89 localities within Tweed Shire was notified in the Government Gazette on 13 December 1996 under the provisions of the Geographical Names Act, 1966.

The notification followed a Council resolution and ratification by the Geographical Names Board to the issue of Map GNB3810 to various authorities such as Australia Post, Electoral Commission of NSW and Land and Property Information NSW.

Since that time various developments throughout the Shire have caused minor boundary adjustments to locality boundaries.

An informal committee (comprising some council staff from the former Locality Committee) was convened to –

- a) determine the revisions required; and
- b) in anticipation of developers requesting the creation of new locality areas and names to establish those areas and names.

The Locality Committee at its meeting held on 24 October 2000 determined as follows:-

#### *“Item 1 Revisions*

- a. *The boundaries of Pottsville and Round Mountain were revised to include the Koala Beach estate within Pottsville.*
- b. *The boundaries of Pottsville and Hastings Point were revised to establish a more suitable common boundary within Crown lands.*
- c. *The boundaries of Round Mountain, Bogangar and Cabarita Beach were revised to extend Bogangar southerly to include related sports fields and to extend Cabarita Beach southerly to include the coastal strip to Hastings Point*

*Refer Figures 1 & 2.*

#### *Item 2 Naming*

*In anticipation of developers requesting the creation of new locality areas and names south of Kingscliff and Cudgen it is proposed to establish two new localities within Kingscliff, Cudgen and Duranbah.*

- a. ***Cudgen Beach** is the name proposed for the locality defined as the area from Bogangar/Cabarita Beach to Cudgen Headland bounded topographically easterly by the Pacific Ocean and westerly by Cudgen Creek. The area encompasses developments colloquially known as Casuarina Beach, Kings Beach, Seaside City, NSW Tourism site, Kingsheath Club of the Clubs etc. The*

## Reports from Director Engineering Services

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*meeting considered that the area of the proposed locality was too small to warrant further splitting.*

*The projected population of this locality is 9,000.”*

### **Comment:**

“Casuarina Beach” will be a “master planned” suburb, including a retail centre, with a potential population of 2,200. This could form the basis of a substantiation for a locality, but it also has to be seen in context with other localities. The residual area of South Kingscliff (ie, Seaside City, Kings Beach and the former NSW Tourism Commission site) are all part of the same coastal development as Casuarina Beach which warrants definition as a readily identifiable locality.

The interests of Casuarina Beach can be readily served in the same way that Flametree Park and Koala Beach have been, by appropriate signage, using an estate name within a designated locality.

Since the date of the meeting a formal request has been received from the developers of “Casuarina Beach” seeking Council’s endorsement to the naming of that area as a locality.

*“b. **Kings Forest** is the name proposed for the locality defined as the area owned by the developer of Kings Forest bounded topographically northerly and westerly by ridges through Cudgen and Duranbah, southerly and easterly by Cudgen Lake and Cudgen Creek. The projected population of this locality is 15,000.*

*Refer Figures 3 & 4”*

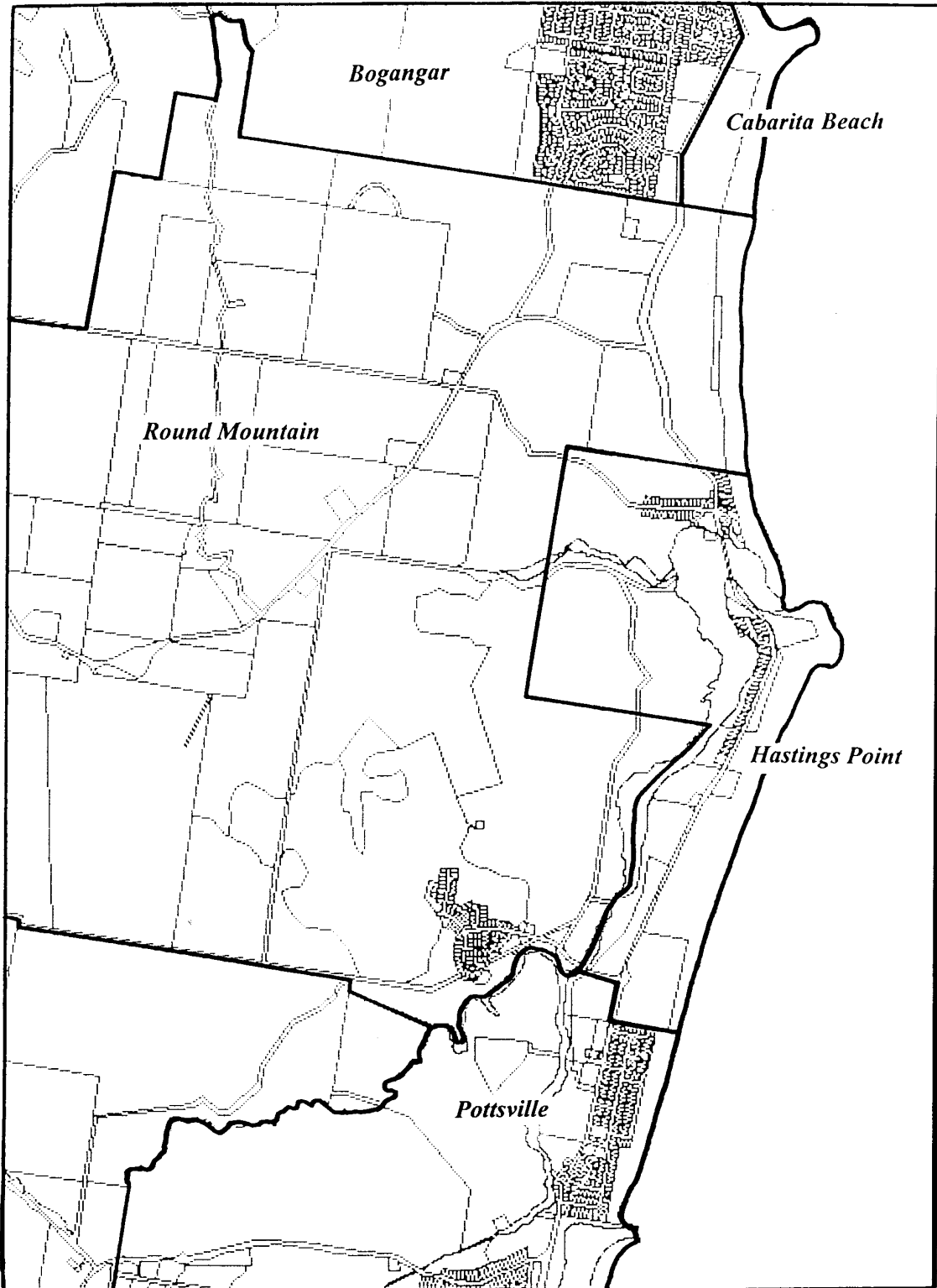
In reaching these proposals the meeting was mindful of the policies and guidelines of the Geographical Names Board of NSW in the determination of locality names and their cadastral boundaries.

These proposals are therefore recommended for consideration by Council for interim adoption and subsequent public comment.

# Reports from Director Engineering Services

EXISTING LOCALITY BOUNDARIES

Figure 1

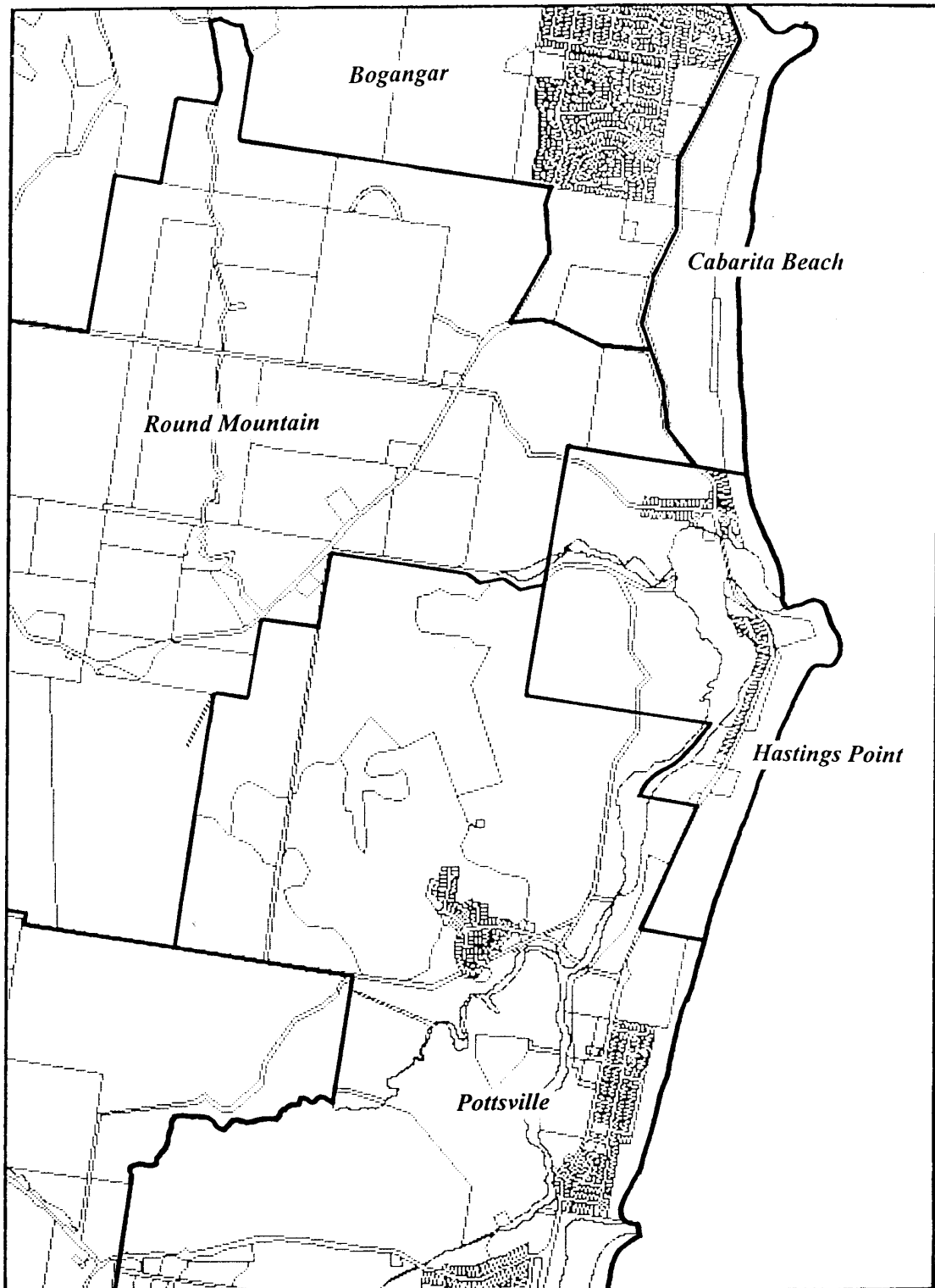




# Reports from Director Engineering Services

**PROPOSED LOCALITY BOUNDARIES**

**Figure 2**



# Reports from Director Engineering Services

EXISTING LOCALITY BOUNDARIES

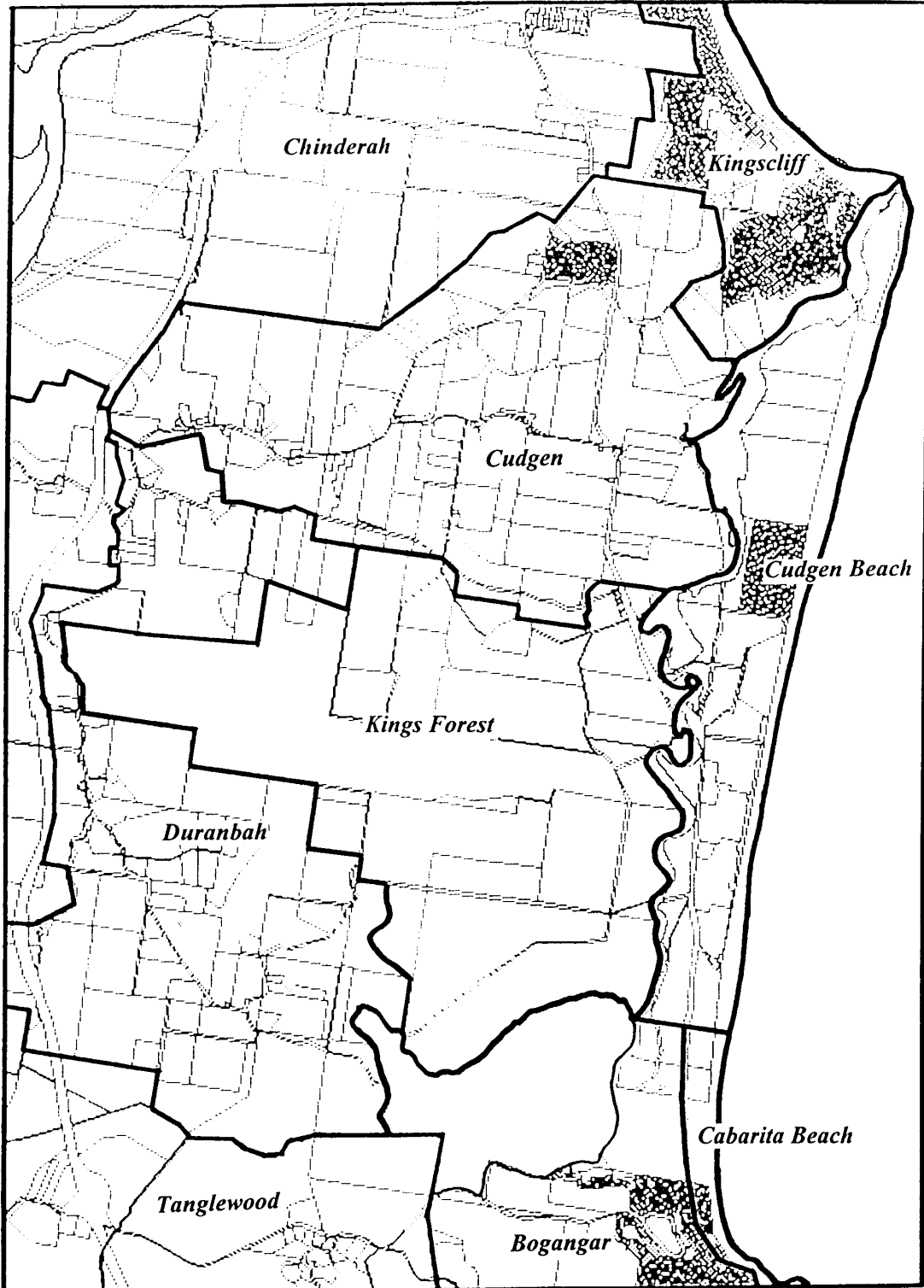
Figure 3



# Reports from Director Engineering Services

PROPOSED LOCALITY BOUNDARIES

Figure 4



## Reports from Director Engineering Services

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## Reports from Director Engineering Services

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### 11. ORIGIN: Planning & Design Unit

**FILE REF: R3780 Pt2 Bridges, Boat Harbour**

**REPORT TITLE:**

**Main Road 399 - Bridge over the Rous River at Boatharbour**

**SUMMARY OF REPORT:**

A concept design report has been received from Council's consultants, Cardno MBK Pty Ltd recommending a preferred concept and siting for a new Boatharbour Bridge.

**RECOMMENDATION:**

That the plans and concept report on the preferred concept and siting for a new Boatharbour Bridge be advertised and exhibited inviting public comment on the acceptability of option 3 in the Cardno MBK Report on Boatharbour Bridge, consistent with the Cardno MBK Community Involvement Plan, to permit adoption of a firm option prior to preparation of the Statement of Environmental Effects.

## Reports from Director Engineering Services

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### REPORT:

A concept design report has been received from Council's consultants, Cardno MBK Pty Ltd recommending a preferred concept and siting for a new Boatharbour Bridge.

The report recommends one of three identified feasible options at the site.

The report and plans of the site including options will be displayed at the meeting. A copy of the report and A4 drawing is also attached to this report.

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# Reports from Director Environment & Community Services

## 12. ORIGIN: Recreation Services Unit

FILE REF: Regulatory Signs 4490.550

### REPORT TITLE:

*"No Ball Games Signs" - Council Parks*

### SUMMARY OF REPORT:

Council has received a request to erect a *"No Ball Games"* sign on a Council Reserve in The Quarterdeck, Tweed Heads. The reserve is approximately 750m<sup>2</sup> and its use for ball games has created issues with adjoining residents. Over the last two years, Council has resolved to erect *"No Ball Games"* signs in three other parks with similar issues. As Council owns or manages many small parks that are bordered by houses where potential for similar problems exist, Council may consider delegating authority to the Director Environment & Community Services to erect *"No Ball Games"* signs in parks under 2000m<sup>2</sup> where circumstances warrant.

### RECOMMENDATION:

That Council:-

1. Erects a *"No Ball Games"* sign in Council Reserve being Lot 217 DP 249155, The Quarterdeck, Tweed Heads.
2. Delegates authority to the Director Environment & Community Services to erect *"No Ball Games"* signs in Council owned/controlled parks under 2000m<sup>2</sup> where circumstances warrant.

# Reports from Director Environment & Community Services

## REPORT:

Council has received a request to erect a "No Ball Games" sign in a Council Reserve in The Quarterdeck, Tweed Heads.

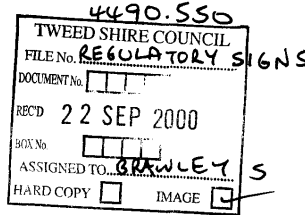
The letter is reproduced as follows:-

24 The Quarterdeck  
Tweed Heads 2485

Telephone: 07 5599 5895  
Fax No: 07 5599 4738

21 September 2000

Mr J Griffin  
The General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah 2484



Dear Mr Griffin

We are the owners and occupiers of a residence located at the above address. Council owns a block of land adjoining (22 The Quarterdeck, Tweed Heads).

Children use Council's land to play ball games. During the past few years, soccer balls have been the most popular balls used.

Virtually every time play takes place, soccer balls are kicked over our boundary fence to land on our roof, or on our patio or against a wall or window, or in our swimming pool.

The most danger to people has occurred when the kicked ball lands in our swimming pool or on our patio which is a ground level tiled area used for barbeques and light meals. It contains a table and six chairs.

Despite our many, many efforts over the last couple of years to find a friendly solution to this problem, and despite the fact that Council has provided close by, a number of larger more suitable parks etc., for this kind of game, children still use your block.

An officer from Council has kindly visited our site, but explained that there is little he can do under the current zoning. Hence this letter.

We request Council to rezone the block at 22 the Quarterdeck, Tweed Heads to prohibit activities such as the above and to erect a simple sign to this effect.

Yours faithfully

*Thomas J. Storey*  
Thomas Storey

*Elizabeth K. Storey*  
Elizabeth K Storey

P.S. The people residing at 20 The Quarterdeck are absent most business days, but the incursion into their property of soccer balls and children redeeming same is probably worse than ours.



## Reports from Director Environment & Community Services

The subject Council land is approximately 750m<sup>2</sup> in area (Figure 1). In the past, Council has resolved to erect “No Ball Games” signs in similar circumstances where small parks were bordered by residences and ball games in the park caused damage to houses. These areas are listed below:-

3 June 1998	Thomas Needen Park, Tweed Heads	1847m <sup>2</sup>
3 March 1999	Coral Street Reserve, Bilambil Heights	607m <sup>2</sup>
16 August 2000	Ibis Court, Kingscliff	1675m <sup>2</sup>

As the Shire contains many small parks bordered by houses where similar issues may arise, Council may consider delegating authority to the Director Environment & Community Services to erect “*No Ball Games*” signs in Council owned or controlled parks under 2000m<sup>2</sup> where circumstances warrant.

# Reports from Director Environment & Community Services

Figure 1



## Reports from Director Environment & Community Services

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### 13. ORIGIN: Environment & Health Services Unit

**FILE REF:** Licences – Poker Machines

**REPORT TITLE:**

**Registered Clubs Community Development and Support Expenditure (CDSE) Scheme**

**SUMMARY OF REPORT:**

Under the Liquor and Registered Clubs Legislation Amendment (Community Partnerships) Act 1998 registered Clubs with an annual gaming machine revenue exceeding \$1 million may apply a percentage of this revenue to community development and support.

New guidelines have introduced local CDSE Committees to determine priorities for distribution of these funds for which Local Government is guaranteed membership.

**RECOMMENDATION:**

That Council:

1. Nominates the Director Environment and Community Services or his representative as a member on the Tweed Community Development and Support Expenditure (CDSE) Scheme Committee.
2. Convenes a meeting of all other agency representatives to establish such a Committee.

## Reports from Director Environment & Community Services

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### REPORT:

Council is advised, of developments with the Registered Clubs Community Development and Support Expenditure (CDSE) Scheme as set out below. The introductions is from the Local Government and Shires Associations Circular.

*Developments with the Registered Clubs Community Development and Support Expenditure (CDSE) Scheme*

*Contact: Noel Baum – LGSA*

*The gazetted guidelines that cover the Community Development and Support Expenditure (CDSE) Scheme were recently amended to create the opportunity for Local Government involvement.*

*The CDSE Scheme is the scheme where Registered Clubs direct part of club earnings to community services. The Associations have been exploring the implications of these changes. The Associations have agreed to endorse the new CDSE priority setting approach and encourage councils to become directly involved in the proposed CDSE Local Committees. Whilst negotiations continue about the details, councils are encouraged to examine the information available and consider participating.*

*In August 2000, the Community Development and Support Expenditure Scheme Steering Committee approached the Associations to become involved in encouraging councils to establish and possibly service CDSE Local Committees. This State-level committee is chaired by the Department of Gaming and Racing, and involves representatives of ClubsNSW, the NSW Council of Social Services (NCOSS), and the Department of Community Services.*

*The Associations assessment is that the benefits to local areas and to Local Government far outweigh the work involved in convening and participating in CDSE Local Committees. Therefore, the Associations have agreed to endorse the new CDSE priority setting approach and facilitate and encourage councils to become directly involved in the proposed CDSE Local Committees. Councils are encouraged to examine the information available and consider their position on participating.*

*The background can be summarised as follows. Under the Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act 1998, registered clubs with annual gaming machine revenue exceeding \$1 million may apply a percentage of this revenue to community development and support. This expenditure allows registered clubs to qualify for a reduction in the top marginal duty rate.*

*For affected registered clubs, total expenditure on Community Development and Support must reach 1.5%. Expenditure of 0.75% must be devoted to Specific Community Welfare, Development, Social Services and Employment Assistance Activities (known as Category 1 Projects) and 0.75% devoted to Other Community Development and Support (known as Category 2 Projects). There are about 100 Local Government areas with registered clubs with CDSE liabilities and the amount of money involved is presently about \$40 million each year.*

## Reports from Director Environment & Community Services

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*Under the original guidelines, clubs were encouraged to seek advice on the suitability of submissions from the Department of Community Services, the Area Health Service or Local Government. This was based on the view that clubs would be in a better position to make decisions on CDSE generally and Category 1 Projects specifically, with Local Government information and advice. Since then some councils have been providing local registered clubs with information from their Social Plan(s) or other plans, to assist the clubs make decisions on CDSE.*

*The recently gazetted revised guidelines have introduced formal local CDSE Committees and Local Government has been guaranteed membership of these committees.*

*Section 2.1.2 CDSE Local Committees (CDSELC) of the guidelines read as follows:*

*'The primary objective of each CDSELC is to identify priority projects and services within a local government area, and to prepare a priority list for local CDSE qualifying registered clubs. The core membership comprises representatives of the local council, DOCS, NCOSS or a local affiliate, and CSDE qualifying clubs. Where appropriate, a CDSELC could include delegates from other organisations (eg Area Health Services).*

*To assist CDSELC participants to understand the new process, a Charter is being developed that will:*

- Outline the proposed objects*
- Suggest other possible participants*
- Outline a master timetable for each CDSELC to follow, if appropriate for its local conditions*
- Detail the CDSELC's role in assessing applications and in reviewing reports of funded activities.'*

*The Associations believe that there are strong reasons many councils will want to be involved in their CDSELC. Firstly it represents an additional opportunity to address social issues and proposed strategies in the social/community plan(s), by using CDSE funding. Secondly it is an additional opportunity to direct expenditure to rapidly emerging social issues. Thirdly it is an opportunity to help the effected clubs fund local activities or projects that are genuinely innovative and would not necessarily be funded from central Government programs. Fourthly, it is the opportunity to promote strong local evidence-based decision making in a way that has seldom been possible with programs form central Governments.*

*There are councils who will not want to be involved. There are councils who simply will not be able to be involved in the way suggested, given their structure and resources. However, this variation amongst councils is not a problem under the gazetted guidelines, because councils can choose not to participate. Should this occur Section 2.1.3 comes into play.*

*Section 2.1.3 deals with Other Sources of Advice on Community Expenditure Priorities and reads as follows:*

## Reports from Director Environment & Community Services

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*'In the event that within a particular local government area or areas, a CDSELC has either not been formed, or its operation has broken down, DCOS and NCOSS shall develop a listing of community social expenditure priorities for clubs in that area, either directly or through ClubsNSW, in line with section 87(7)(c) of the Act.'*

*The fine detail of the implications for councils agreeing to role in participating in CDSELCs, is still being examined by the State-level Community Development and Support Expenditure Scheme Steering Committee in conjunction with the Associations. Set out below is an early draft of what may be involved. Councils are encouraged examine it recognising it is not settled at the moment.*

*It appears a council's role may involve some or all of the following steps (depending upon local negotiations):*

- Agree to participate in the CDSELC and nominate an appropriate officer to liaise with DOCS about setting up the initial meeting (prior to December 2000).*
- If agreed, convene the first meeting of the CDSELC inviting DOCS, NCOSS local affiliate, CDSE qualifying registered clubs and other local stakeholders (prior to December 2000).*
- Convene initial meeting of CDSELC, to discuss roles, processes and timetable (December 2000 to February 2001 and same period in subsequent years).*
- Review council's social/community plan and DOCS Integrated Community Service Plan (ICSP) in conjunction with DOCS, and NCOSS local affiliate to develop draft list of CDSE priority areas that conform to CDSE guidelines for discussion by the CDSELC (February to April 2001 and same period in subsequent years).*
- If agreed, convene second meeting of the CDSELC to settle on the agreed CDSE priority areas (February to April 2001 and same period in subsequent years).*
- If agreed, convene further meetings to settle on criteria for selection of services, projects or activities to be included in the priority list to be provided to CDSE qualifying registered clubs (February to April 2001 and same period in subsequent years).*
- If agreed, co-ordinate or participate in local marketing of the CDSELC to CDSE qualifying registered clubs and potential applicants (February to March 2001 and same period in subsequent years).*
- If agreed, participate in directing or direct potential applicants to standard application form on ClubsNSW website or distribute standard application form at local level (February to March 2001 and same period in subsequent years).*
- If agreed, receive applications from applicants (February to March 2001 and same period in subsequent years).*
- If agreed, prepare applications for consideration by the CDSELC (March 2001 and same period in subsequent years).*

## Reports from Director Environment & Community Services

- *If agreed, participate in or convene meeting(s) to determine a priority list of projects (March to April 2001 and same period in subsequent years).*
- *If agreed, distribute priority list to local CDSE qualifying registered clubs (May 2001 and same period in subsequent years).*

*The timelines shown for the steps after the first two may be subject to revision. Further, it is envisaged that the roles in the steps after the first will be allocated by negotiation amongst core local stakeholders, within a framework set by the Charter referred to in Section 2.1.2 of the guidelines (as mentioned above). The Charter is still being developed.*

*There is also the possibility of the CDSELC having to lodge reports with DOCS containing information about the CDSELC membership, number of meetings and lists of priority projects at end of duty period. There is the possibility of the CDSELC having to maintain a register of*

- grants made by local CDSE qualifying registered clubs to services, projects or activities on the priority list; and*
- reports provided by benefiting organisations to ensure compliance with sections 2.2.2 and 2.2.3 in later duty years where there is requirement to consider these reports before giving further grants. Further work is occurring on these aspects.*

*The Associations have joined with ClubsNSW to take on a consultant to do the initial analytical and promotional work, and more information will be available in the coming Weekly Circulars. Further a schedule of councils with registered clubs with CDSE liabilities will be available in the near future.*

*Initial feedback is welcome and can be directed to Noel Baum Senior Policy Officer, Community Planning and Services, Local Government & Shires Association, GPO Box 7003, SYDNEY 2001, fax 9242 4111 or e-mail nbaum@lgsa.org.au”*

As stated above, this proposal represents firstly an additional opportunity to address social issues and proposed strategies in Council’s social/cultural/community plans by using CDSE funding. Secondly, an additional opportunity to direct expenditure to rapidly emerging social issues. Thirdly, an opportunity to help effected clubs fund local activities or projects that are genuinely innovative and would not necessarily be funded from Government programs and finally an opportunity to promote strong local evidence-based decision making in a way that has seldom been possible with current Government programs.

Accordingly, it is recommended that Council agree to be involved in the CDSELC and nominate the Director Environment and Community Services or his representative as the appropriate officer to represent Council and Council, through the Director Environment & Community Services convenes the first meeting of the CDSELC.

## Reports from Director Environment & Community Services

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## Reports from Director Environment & Community Services

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**14. ORIGIN: Environment & Health Services Unit**

**FILE REF: Library - Subsidy**

**REPORT TITLE:**

**Funding Level - Public Libraries**

**SUMMARY OF REPORT:**

Council has previously resolved to write to the Premier regarding the above. This report contains the reply.

**RECOMMENDATION:**

That the reply to the Premier be noted and a copy forwarded to the General Manager, Richmond-Tweed Regional Library.

# Reports from Director Environment & Community Services

## REPORT:

Council has previously resolved to write to the Premier concerning the level of funding to public libraries.

A reply to Council's letter is set out below:-

**nsw arts**  
MINISTRY FOR THE

LIBRARY - RICHMOND TWEED

TWEED SHIRE COUNCIL		Ref: A2974
FILE No. LIBRARY - SUBSIDY		RML: 00/0375
DOCUMENT No. [ ] [ ] [ ] [ ] [ ] [ ]	REC'D 30 OCT 2000	
BOX No. [ ] [ ] [ ] [ ]	ASSIGNED TO: EDWARDS G	
HARD COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>	

Mr Geoff Edwards  
 Manager Environment and Health Services  
 Tweed Shire Council  
 PO Box 816  
 MURWILLUMBAH NSW 2484

26 OCT 2000

Dear Mr Edwards,

The Premier and Minister for the Arts has asked me to reply to your correspondence of 28 September, regarding the level of funding for public libraries in NSW.

Mr Carr has asked me to assure you that the NSW Government is continuing its strong commitment to public libraries and the partnership with local government to provide public library services. The Government increased funding for public libraries by \$2 million over its first four year term.

This financial year the Government is providing \$19.7 million in grants and subsidies to local councils for public library services. This amount includes the second year of a package of increased funding for public libraries of \$10.5 million over four years, announced in the State Budget in June 1999. Of these additional funds, \$2.5 million is to enable libraries to improve the quality of their services, including updating collections and expanding access to electronic information databases and the remaining \$8 million is being used to extend NSW.net. This is believed to be the largest single investment in public library infrastructure by any NSW Government since the proclamation of the Library Act in 1939.

Your comments about per capita subsidy are noted. However, I am advised that per capita funding comparisons do not adequately reflect the relative levels of investment in public library services across Australia. The State Librarian has advised that the State Library of NSW also provides a wide range of support and back-up services to the NSW Public library network. These services include -

- lending of State Library books and materials free of charge to public libraries;
- research and provision of information by specialist staff to public libraries in response to client inquiries;
- professional development programs for public library staff;
- special support for HSC students by identifying and making core resources available through local public libraries;

**New South Wales Ministry for the Arts**  
 Level 9, St James Centre, 111 Elizabeth Street, Sydney NSW 2000 PO Box A226, Sydney South NSW 1235 Tel: (02) 9228 5533  
 TTY: (02) 9228 4869 Fax: (02) 9228 4722 Freecall: 1800 358 594 (within NSW) Australian Business Number (ABN): 71 028 906 306  
 E-mail: ministry@arts.nsw.gov.au Website: www.arts.nsw.au

## Reports from Director Environment & Community Services

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-2-

- delivery of current and up-to-date legal information through the Legal Information Access Centre's Hot Topics, which are sent free of charge to all public libraries (in addition to a suite of services the Centre offers through the public library network);
- specific collections that are acquired to support and back-up public libraries including multicultural materials and resources for people with a disability.

The Government continues to acknowledge the importance of the role of public libraries in the life and learning of the people of NSW.

Yours sincerely,



Evan Williams  
Secretary

It is recommended that the reply be noted and a copy forwarded to the General Manager, Richmond Tweed Regional Library.

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## Reports from Director Environment & Community Services

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## Reports from Director Environment & Community Services

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**15. ORIGIN: Environment & Health Services Unit**

**FILE REF: Noxious - Insects**

**REPORT TITLE:**

**Entomological Control Report - August/October**

**SUMMARY OF REPORT:**

The following report outlines nuisance insect and vermin control carried out during the period August to October.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Environment & Community Services

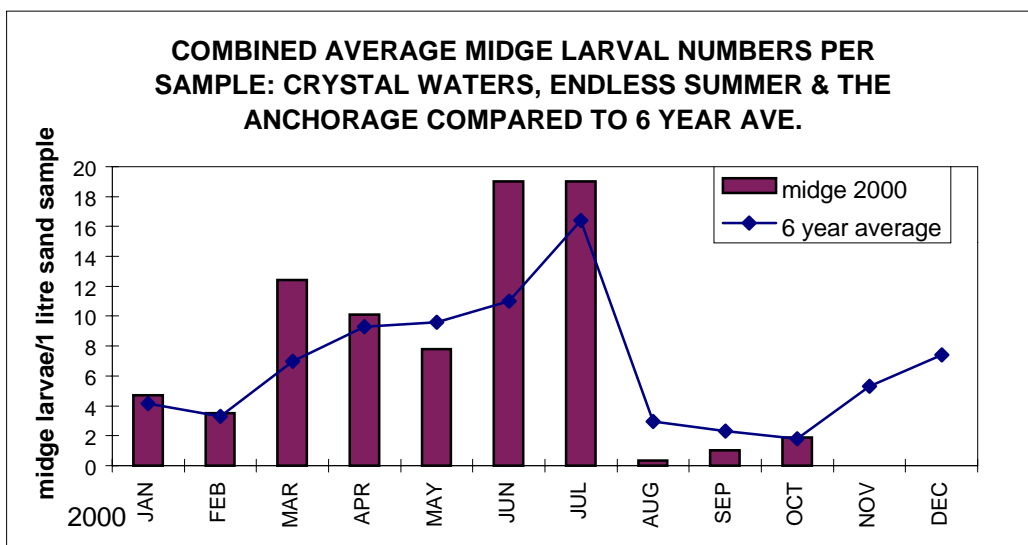
## REPORT:

### BITING MIDGE

#### Seasonal activity

Biting midge seasonal activity increased during August/September. Biting midge nuisance complaints have remained low throughout the season, a total of 9 midge related complaints were received from residents over the report period. Areas affected were Tweed Heads South, Fingal, Pottsville and Tweed Heads West.

Midge larval numbers in canal estates have remained low since the July/August larvicide treatments. The following graph shows monthly midge monitoring indicating average midge larval numbers per 1 litre sand sample at the major canals compared to the long term average.



### MOSQUITOES

#### Seasonal activity

The very dry conditions and small amplitude tides over most of the report period did not favour mosquito breeding. Mosquito larval monitoring found only small pockets of saltmarsh breeding mosquitoes. Carbon dioxide baited mosquito adult traps reflected the dry conditions with negligible catches over the report period. All fresh and semi-tidal wetland areas were extremely dry by early October. The dry season has removed mosquito feeding fish from many areas and encouraged cattle grazing in extensive areas of lowland pasture, these factors will increase mosquito nuisance risk when wetland flooding eventually occurs.

#### Control

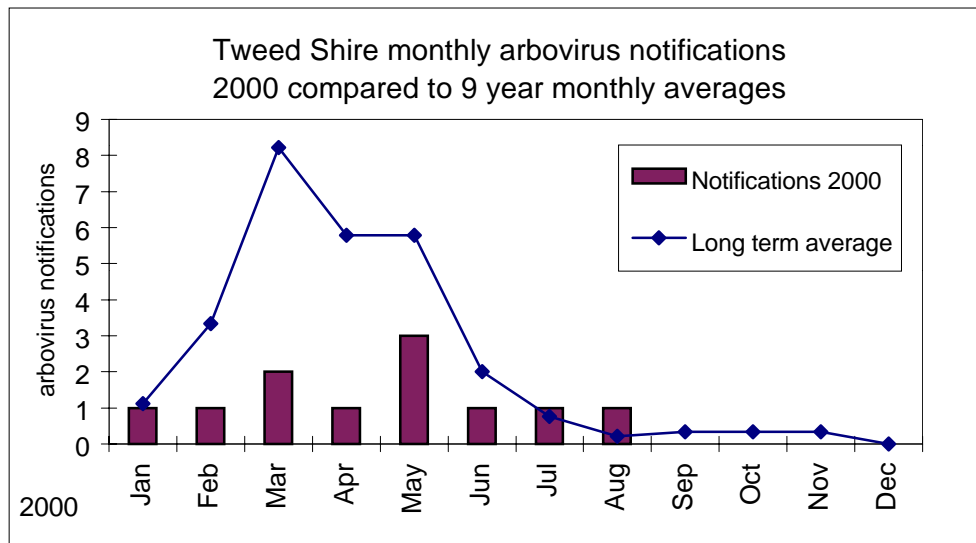
Mosquito control was necessary following showers in late October to sites surrounding Cobaki and Terranora Broadwaters, Dodds Island, Chinderah and adjacent to Bilambil and Duroby Creeks. Effective control was achieved with ground based application of biological larvicides.

#### Arbovirus

There was only one notified arbovirus case in the shire over the report period for Ross River virus.

## Reports from Director Environment & Community Services

The following graph illustrates arbovirus incidents this year compared to long term averages.



Entomological Officer attended the quarterly NSW Arbovirus Disease Control Advisory Group meeting in Sydney 11 October to discuss budget issues and state arbovirus monitoring protocols for the coming season.

### Visitors

Mr. Mohd Pause Mohd Taha, Assistant Director Engineering Services, Malaysian Ministry of Health visited as part of a WHO sponsored study tour of Australian health services. Mr Mohd was shown environmentally focused mosquito control projects.

Mark Breitfus, a Brisbane university student, visited to study runnel mosquito control systems at Cobaki, as part of an assessment of runnel ecology for his Ph.D. thesis. The Cobaki runnel systems, created in 1984, appear to be the original runnel system. This technique is now utilised throughout many areas of Australia and parts of the United States.

Technical staff from Valent Biosciences visited to discuss new formulations of the mosquito killing bacterium Bti. The new products have more potency and better shelf life than previous Bti. formulations.

### MISCELLANEOUS PESTS

#### Rodents

Rodent control was carried out along infested rock walls at Tweed Heads and Murwillumbah and adjacent to caravan parks at Fingal and Kingscliff.

#### Cockroaches

Cockroach control was carried out in infested sewer lines at Murwillumbah, Kingscliff and Tweed Heads.

#### Other pests

## Reports from Director Environment & Community Services

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There were 47 requests for identifications, information or services relating to other pests such as termites, ants, spiders and cane toads.

### RESEARCH

#### **Federal research grant (\$228,810)- Removal of acidity from caneland drainage**

Entomological Officer is the nominated project manager for a collaborative project with researchers from the University of NSW, the Australian National University and the cane industry to look at innovative ways of reducing acidity in Tweed caneland drains. As well as contaminating the environment with sulphuric acid and heavy metals, acidic drains often breed large numbers of mosquitoes. The remedial integrated approaches will consider the sites agronomic practice, soil and water chemistry, hydrology and ecology. Local sugar mill ash waste will be assessed as a neutralising agent and recovery techniques trialed for dissolved metals suitable for the petrochemical industry.

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**Ian Carpenter**  
**ACTING GENERAL MANAGER**



# Reports from Committees/Working Groups

## 1. Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 11 October 2000

**File Ref: River Management**

**VENUE:**

Canvas & Kettle Restaurant, Murwillumbah Civic Centre

**TIME:**

9.30am.

**PRESENT:**

Cr W Marshall (Chair), Cr M Boyd, Cr H James (Tweed Shire Council); Messrs C Cormack (Waterways Authority); R Hagley, (Department of Land and Water Conservation); B Loring (NSW Fisheries); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); J Henley, G Edwards, G Judge, Ms J Lofthouse (Tweed Shire Council).

INFORMAL: John Foster (Tweed Economic Development Corporation).

**APOLOGIES:**

Cr R Brinsmead, Ms R James (Caldera Environment Centre); T Rabbidge (Department of Land and Water Conservation); L Tarvey (National Parks and Wildlife Service); G Budd (Environment Protection Authority); A Blundell (T & J Blundell); N Newell (State Member for Tweed);

**MINUTES OF PREVIOUS MEETING:**

**Moved:** J Henley

**Seconded:** Cr H James

**RESOLVED** that the Minutes of Meeting held Wednesday 30 August 2000 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 3. Ecological Monitoring Project Newsletter

#### **Monitoring**

University of Queensland have provided contact with a PhD student to look at the formulation of the newsletters. This would also include an evaluation of how effective the newsletter and distribution were at getting information out to the community.

## Reports from Committees/Working Groups

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### GENERAL BUSINESS:

#### 1. Coastal Conference

##### Conferences

Noted that the 10<sup>th</sup> Annual NSW Coastal Conference will be held in Yamba on 21 to 24 November 2000. It is expected the following members will attend; Cr W Marshall, Cr H James, J Henley, G Edwards, J Lofthouse, R Hagley.

---

#### 2. TRESBP Lower Estuary Shoals Management Plan

##### Estuary Management

John Henley noted that he is working with DLWC to develop the requirements and responsibilities for the production of a Management Plan for the Lower Tweed River Estuary Lower Shoals. DLWC have accepted responsibility for the section of the Plan dealing with replenishment following natural reduction of shoals. TRMPAC to add sections on shoal reduction for navigational purposes and general shoal accretion.

J Henley to report back to the Committee on previous survey results and Lower River Shoals.

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#### 3. Tweed River Link Project

##### Boating

John Foster, Tweed Economic Development Corporation, discussed the Tweed River Link Project with the Committee. A funding application has been submitted to the Regional Tourism Program. There would appear to be significant interest in the project at the political level.

The issue of fish hauling grounds in the vicinity of this proposal was raised. Subsequent check of the hauling ground maps supplied to Council show the closest grounds upstream and opposite side of the river near the Riverview Hotel and downstream of the Rowing Club.

**Moved:** Cr M Boyd

**Seconded:** Cr W Marshall

**RESOLVED** that pending receipt of funds from the Regional Tourism Program, the allocation of TRMPAC funds for the Budd Park Jetty be reallocated to the Nichol Park / Tweed River Link Project and that this project has the in principle support of this Committee.

---

#### 4. Tweed Estuary Riparian Rehabilitation Projects Report

##### Estuary Management - Riparian Projects

The Report was distributed to the Committee and discussed. The report recommendations were discussed in detail. Comments for each follow. Noted that Management Plans being developed assists with successful grant applications.

## Reports from Committees/Working Groups

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**1. A further sift of sites to determine those requiring more immediate action.**

**Moved:** Cr H James

**Seconded:** J Henley

**RESOLVED** that a working group progress the sift of sites further. This group to consist of Cr H James, J Lofthouse, G Judge, Jan Golding and Bruce Graham. The working group is to report back to TRMPAC, Vegetation Management Committee and the Catchment Management Board.

**2. The formulation of Site Management Plans, including appropriate scientific assessment, for those sites thus selected for funding and works.**

The working group is to identify the priority 5 sites for development of "Site Management Plans" within the next year.

**3. Completion of the estuarine survey of riparian sites (see 3.1).**

No further action at this time. The completion of riparian surveys to be tied in with the Vegetation Management Plan.

**4. The task of entering site data for all public estuarine riparian lands onto the TSC Access database be completed, with appropriate available scientific data (vegetation, stream morphology & etc.), including data from Murray & James (1991-96), James (DLWC, 1997), Patterson, Britton & Partners (1998), Public Works Dept. (1991 a & b), Tweed Shire Council (1994) & etc.**

Liaison required with the Tweed Landcare Inc. project recently funded through the Natural Heritage Trust. Consultation with Rhonda James required on extent of this funded project.

**5. TRMPAC consider funding a formal survey of the estuarine riparian sites by a qualified consultant to provide full scientific data as the basis for all future management.**

To be considered at a later stage.

**6. TRMPAC consult with the newly formed Northern Rivers Catchment Management Board regarding River Styles whole catchment approaches to site prioritisation processes and integration of works on fresh estuarine reaches.**

Continue liaison with Catchment Management Board.

**7. Commence investigations and site management plan for high priority sites.**

As in 1 and 2 above.

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**5. Interim Water Quality Management Plan**

**Total Catchment Management**

Noted that there were no submissions to the Draft Interim Water Quality Management Plan during or after the extended exhibition period. Noted that the Plan is *Interim* and will assist with provision of information to the Northern Rivers Catchment Management Board.

Discussion on requirements for linkages to the Northern Rivers Catchment Management Board. TRMPAC to address the Board with an overview of the Committee's work and

## Reports from Committees/Working Groups

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provide relevant documents. Cr Boyd noted that the Board will focus on priority issues in the first instance.

Discussion on the recently released "Report Card" produced by University of Queensland for South East Queensland rivers (includes Tweed River). Noted that it gives a focus for the community and enables a simple reporting mechanism. Need to establish what the basis of reporting is i.e. what parameters used. Also what are the parameters that are affecting the score for the Tweed River, where is the source and what action can be taken to address the problem.

**Moved:** J Henley

**Seconded:** R Hagley

**RESOLVED** that the Committee submit the Interim Water Quality Management Plan to Council for adoption.

### RECOMMENDATION:

That Council adopts the Interim Water Quality Management Plan.

---

### 6. Water Week 2000

#### Stormwater

Noted that National Water Week is to be held 15 – 21 October 2000. One main focus for the Tweed is the official launch of the Duffy Street Wetland and the Cabarita Beach Stormwater Trap on Wednesday 18 October.

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### 7. Chinderah Foreshore Rock Revetment

#### Riverbank Erosion

The tender has been let for construction of the section of rock revetment along Chinderah Foreshore partly financed through the Roads and Traffic Authority. The tender price was \$566,000, of which \$400,000 was received from RTA and this Committee resolved to provide up to \$200,000.

Noted that the erosion along the Pacific Highway at South Murwillumbah was very close to the road. This may result in a similar predicament whereby maintenance of this road will come to Council with the future handing over of the road by RTA to Council as a local road. Given the potential for expensive repairs being required along the erosion areas, this needs to be addressed as early as possible.

**Moved:** Cr M Boyd

**Seconded:** Cr W Marshall

**RESOLVED** that Council be requested to make strong representation to the Roads and Traffic Authority for the long lasting repair of bank erosion sites which may impact on the road along the Pacific Highway prior to it being handed over to Council at the completion of the Chinderah to Yelgun Motorway.

## Reports from Committees/Working Groups

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### RECOMMENDATION:

That Council makes strong representation to the Roads and Traffic Authority for the long lasting repair of bank erosion sites which may impact on the road along the Pacific Highway prior to it being handed over to Council at the completion of the Chinderah to Yelgun Motorway.

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### 8. Floodgate Management Program

#### Floodgate Management

Noted that Mr John Huegill, employed by NSW Fisheries through NHT funding for implementation of the Floodgate Management Program, is retiring from work due to illness. Mr Huegill was able to establish a good rapport with the local cane farmers and ensured the program's success.

**Moved:** R Quirk

**Seconded:** Cr W Marshall

**RESOLVED** that a letter of appreciation be sent to John Huegill through NSW Fisheries from the Committee.

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### 9. River Contour Survey

#### Estuary Management

Noted that a proposal and cost is being sought from DLWC to undertake a full bathymetrical survey of the Tweed River Estuary, to continue on from that done as far upstream as Stotts Island for the Tweed River Entrance Sand Bypass Project.

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### 10. TRMPAC Achievements

#### Estuary Management

Cr Boyd noted that an overall assessment of the achievements of TRMPAC since inception should be collated. This should outline what has been achieved by this Committee and illustrate value for money for studies and works undertaken. Discussion on extending the proposed 5 year report to cover the life of the Committee since inception in 1992.

Noted that many of the Plans and Studies undertaken by TRMPAC have led to increased planning security and increased ability to gain additional grant funds for numerous projects.

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## Reports from Committees/Working Groups

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### **NEXT MEETING:**

The next meeting of the Committee is to be held on 29 November 2000 at the Canvas & Kettle Restaurant commencing at 9.30 am.

The meeting closed at 12.30pm.

*Director's Comments: NIL*

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### **DIRECTOR'S RECOMMENDATIONS:**

#### **4. Tweed Estuary Riparian Rehabilitation Projects Report Estuary Management - Riparian Projects**

#### **Committee Recommendation:**

That Council adopts the Interim Water Quality Management Plan.

*Director's Recommendation: As per Committee recommendation*

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#### **7. Chinderah Foreshore Rock Revetment**

#### **Riverbank Erosion**

#### **Committee Recommendation:**

That Council makes strong representation to the Roads and Traffic Authority for the long lasting repair of bank erosion sites which may impact on the road along the Pacific Highway prior to it being handed over to Council at the completion of the Chinderah to Yelgun Motorway.

*Director's Recommendation: As per Committee recommendation*

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## Reports from Committees/Working Groups

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### MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION

2. **Minutes of the Tweed Shire Council Centenary of Federation committee Meeting Held 12 October 2000**
  3. **Minutes of the Vegetation Management Plan Steering Committee Meeting Held Tuesday 24 October 2000**
  4. **Minutes of the Communication Committee Meeting held Wednesday 25 October 2000**
  5. **Minutes of the Community Cultural Development Committee Meeting Held 26 October 2000**
  6. **Minutes of the Cabarita Beach Surf Life Saving Club Clubhouse Working Party Held Tuesday 7 November 2000**
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## Reports from Committees/Working Groups

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# Outstanding Inspections

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1. Council Land - Mt Nullum

12. Use of Land - Mt Nullum

*Land Development – Mt Nullum*

819

*Cr Boyd*

*Cr Luff*

**RESOLVED** that a Council inspection of the Mt Nullum site be held at an appropriate time.

*Current Status:* Inspection set for 29 March 2000. Inspection cancelled due to weather conditions. Further date to be determined.

**RESOLUTION OF MEETING HELD 6 SEPTEMBER 2000:**

287

*Cr Polglase*

*Cr Boyd*

**RESOLVED** that an inspection of Mt Nullum be conducted on Wednesday 11 October 2000 commencing at 12.30pm after lunch at 12 noon.

## Outstanding Inspections

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# Orders of the Day

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## 16. Notice of Motion - Cr Polglase

### Road Contribution - Arkinda Garden Centre

**DA5940/460 Pt1, Notice of Motion**

*That Council:-*

- 1. Defers any current legal action in relation to the Arkinda Garden Centre and Cafe.*
  - 2. Reconsiders the requirement for road contribution for this development once the review of the Tweed Road contribution Plan No 4 (TRCP) has been completed and determined.*
-

## Orders of the Day

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