

Items for Consideration of Council

Schedule of Outstanding Resolutions	11
Items Deferred	17
3. ORIGIN: Development Control Unit	17
Proposed Consolidation and Boundary Reconfiguration of Lots 5 - 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West	17
24. ORIGIN: Environment & Health Services Unit	31
Joeys Pouch Educational Childcare Centre	31
Reports from Director Development Services	33
1. ORIGIN: Strategic Town Planning Unit	35
Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving) - Amendment to the Contribution Plan.	35
2. ORIGIN: Development Control Unit	41
Proposed Extractive Industry at Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745 Quarry Road/Lundberg Drive/Wardrop Valley Road, Murwillumbah	41
3. ORIGIN: Director	63
Coolangatta Airport Draft Master Plan	63
4. ORIGIN: Strategic Town Planning Unit	73
Tweed Local Environmental Plan 2000, Proposed Amendment - Boating Facilities, Lot 121, DP 755701, Chinderah	73
5. ORIGIN: Strategic Town Planning Unit	77
Proposed Rezoning for Lot 6, DP 619717, Fernvale Road and Lot 31, DP 133404 and Lot 2, DP 591194, Wardrop Valley Road	77
6. ORIGIN: Subdivisions Unit	89
Proposed Two (2) Lot Subdivision of lot 3 DP 828298 Chinderah Road, Cudgen	89

Items for Consideration of Council

7.	ORIGIN: Development Control Unit	107
	Erection of Two (2) Farm Sheds for the Purpose of Fruit Packaging (Bananas) and Timber Milling – Lot 2 DP 262635 Baria Road, Burringbar	107
8.	ORIGIN: Subdivisions Unit	117
	Proposed 94 Lot Subdivision at Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff - Casuarina Beach Stage 6 (DA 0681/2000DA)	117
9.	ORIGIN: Strategic Town Planning Unit	189
	Draft Land Assessment - Former Pottsville School Site	189
10.	ORIGIN: Strategic Town Planning Unit	191
	Tweed Local Environmental Plan 2000 - Production of Compact Disc	191
11.	ORIGIN: Subdivisions Unit	193
	Proposed 45 Lot Subdivision of Lot 4 DP 1014470, Coast Road, South Kingscliff - Casuarina Beach Stage 5 (DA 0680/2000DA)	193

Reports from Director Corporate Services 261

12.	ORIGIN: Administration Services Unit	261
	First Round Donations - 2000/01	261
13.	ORIGIN: Administration Services Unit	265
	Best Value Workshop, Ballina - 30 August 2000	265
14.	ORIGIN: Administration Services Unit	267
	Draft Film Locations Guidelines Policy	267
15.	ORIGIN: Administration Services Unit	277
	Festivals Policy - First Round - 2000/01	277
16.	ORIGIN: Director	279
	Tweed Economic Development Corporation (TEDC) / Tweed and Coolangatta Tourism Inc. (TACTIC) Amalgamation	279
17.	ORIGIN: Administration Services Unit	281
	Local Government Week - 23 to 29 July 2000	281
18.	ORIGIN: Director	285
	Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - June 2000	285

Items for Consideration of Council

19.	ORIGIN: Financial Services Unit	291
	Financial Management Report	291
20.	ORIGIN: Director	299
	Alterations to the Council Chambers	299
21.	ORIGIN: General Manager	303
	Quarterly Corporate Report	303
	Development Services Quarterly Report	305
	Corporate Services Quarterly Report	309
	Engineering Services Quarterly Report	322
	Environment & Community Services Quarterly Report	335

Reports from Director Engineering Services 339

22.	ORIGIN: Planning & Design Unit	339
	Classification of Land as Operational Greenview Estate Pty Ltd., Piggabeen Road, Tweed Heads West	339
23.	ORIGIN: Planning & Design Unit	343
	2000-2001 Cycleways Program	343
24.	ORIGIN: Planning & Design Unit	345
	Neighbourhood Speed Projects	345
25.	ORIGIN: Planning & Design Unit	347
	Pedestrian Access and Mobility Plan	347
26.	ORIGIN: Water Unit	349
	Southern Boat Harbour - Commercial Charter Operations	349
27.	ORIGIN: Planning & Design	355
	Point Danger Signage (Cook's Point Danger)	355
28.	ORIGIN: Planning & Design Unit	363
	Border Marker Project - Progress Report	363

Reports from Director Environment & Community Services 371

29.	ORIGIN: Recreation Services Unit	371
	Naming of Park in the New Seagulls Estate - "The (Uncle) Jack Smith Park"	371

Items for Consideration of Council

30.	ORIGIN: Environment & Health Services Unit	375
	Friends of the Pound	375
31.	ORIGIN: Recreation Services Unit	377
	"No ball games" Sign - Council Reserve, Ibis Court, Kingscliff	377
32.	ORIGIN: Environment & Health Services Unit	385
	Joeys Pouch Educational Childcare Centre	385
33.	ORIGIN: Building Services Unit	Error! Bookmark not defined.
	Development Application for Small First Floor Addition to an Existing Dwelling Within Ridge Top Precinct - Terranora Village	Error! Bookmark not defined.
34.	ORIGIN: Recreation Services Unit	401
	Botanic Gardens - Formation of Steering Committee	401
35.	ORIGIN: Environment & Health Services Unit	403
	Entomological Control Report for Period May to July 2000 and Annual Summary of Biting Insect Control	403
36.	ORIGIN: Environment & Health Services Unit	409
	Counterpoint Concerts	409

Reports from Sub-Committees 411

1.	Minutes of the Sports Advisory Committee Meeting held Tuesday 18 July 2000	411
2.	Minutes of the Companion Animal Committee Meeting held Monday 7 August 2000	415
3.	Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 2 August 2000	418

MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION 424

4.	Minutes of the Public Transport Working Group Committee Meeting held Tuesday 25 July 2000	424
5.	Minutes of the Tweed Games Committee Meeting held Tuesday 18 July 2000	424

Outstanding Inspections 425

1.	Council Land - Mt Nullum	425
----	--------------------------	-----

Items for Consideration of Council

Orders of the Day	427
1. Notice of Motion - Cr Lawrie	427
Bibles for Citizenship Ceremonies	427
2. Notice of Motion - Cr Marshall	427
Interest Charged on Overdue Rates - Lot 4 DP 624447 Pacific Highway, Tumbulgum	427

Items for Consideration of Council

C O N F I D E N T I A L

	Reports from Director Development Services in Committee	7
1.	ORIGIN: Development Control Unit	7
	Proposed Depot at Lot 4 DP 260418 Urliup Road, Bilambil	7
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	<i>7</i>
2.	ORIGIN: Development Control Unit	13
	Arkinda Garden Centre - Unlawful Commencement of Use of Lot 7 DP 614298 Wollumbin Street, Murwillumbah	13
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	<i>13</i>
	Reports from Director Corporate Services in Committee	17
3.	ORIGIN: Financial Services Unit	17
	Write Off Sundry Debtor Account No 38.05890	17
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (b) the personal hardship of any resident or ratepayer</i>	<i>17</i>
4.	ORIGIN: General Manager	19
	Tweed River Agricultural Society - Proposed Museum Building	19
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (b) the personal hardship of any resident or ratepayer</i>	<i>19</i>
5.	ORIGIN: Administration Services Unit	23
	Public Roads - Risk Management	23
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	<i>23</i>
6.	ORIGIN: Mayor	31
	Liverpool City Council – Visit 16 May 2000	31
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	<i>31</i>
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	<i>31</i>

Items for Consideration of Council

7.	ORIGIN: General Manager	35
	Liverpool City Council - Independent Hearing and Assessment Panel	35
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed:</i>	
	<i>the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	<i>(i) prejudice 35</i>
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	<i>35</i>

Reports from Director Engineering Services in Committee 37

8.	ORIGIN: Works Unit	37
	EC200062 - Supply of Traffic Control Teams for Council Roadworks	37
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed:</i>	
	<i>the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	<i>(i) prejudice 37</i>
9.	ORIGIN: Water Unit	45
	Kingscliff Sewage Treatment Plant	45
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.</i>	<i>45</i>
10.	ORIGIN: Works Unit	49
	Tender EC200039 - Supply of Asphalt Patching Truck	49
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed:</i>	
	<i>the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	<i>(i) prejudice 49</i>

Reports from Director Environment & Community Services in Committee 51

11.	ORIGIN: Environment & Health Services Unit	51
	Swim Coaching and Teaching Licence - D Day	51
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (b) the personal hardship of any resident or ratepayer</i>	<i>51</i>
12.	ORIGIN: Environment & Health Services Unit	55
	Coaching and Learn to Swim Rights and Aqua-Aerobic Rights for the Murwillumbah and Tweed Indoor Pool Complexes	55
	<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals</i>	<i>55</i>

Items for Consideration of Council

13. ORIGIN: Building Services Unit 57
- Building Works Without Prior Council Approval at Lot 1 DP 101294 No 1402**
- Numinbah Road, Chillingham - Owner Ms Dianne Boyle 57**
- Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (e) information that would, if disclosed, prejudice the maintenance of law 57*

Schedule of Outstanding Resolutions

19 JANUARY 2000

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

- 15. Proposed Use of Council Building for Permanent Function Licence - Cabarita Beach Surf Life Saving Club**

PF4100/30 Liquor Licence

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

1186

Cr Polglase

Cr Marshall

RESOLVED that this item be deferred as there is no legal lease/agreement in place between Council as owner and the surf club as tenant, Council advises that it objects to the proposed licence and requests deferral of the application until such a lease/agreement is in place.

Current Status: Further discussions to be held.

5 APRIL 2000

OUTSTANDING INSPECTIONS

- 1. Council Land - Mt Nullum**

Land Development - Mt Nullum

This item was received and noted.

Current Status: Date to be fixed.

Schedule of Outstanding Resolutions

3 MAY 2000

ORDERS OF THE DAY

4. Notice of Motion - Cr Luff
Community Service Programs

Government Grant - Community Options, Disabled Matters

1622

Cr Luff

Cr Marshall

RESOLVED that Council officers bring forward a report outlining programs Council manages or participates in, for which Federal or State funds are given to Council expressly so it may provide, or assist in providing, some service or benefit to people in Tweed Shire. The report is to focus on community programs related to public transport; support for those who are disabled, disadvantaged or isolated; recreation, fitness or culture; training, education or employment; or safety.

Current Status: Information from various units is being collated for the report.

17 MAY 2000

MAYORAL MINUTE

4. Citizenship Ceremonies

Citizenship

1639

Cr Polglase

Cr Marshall

RESOLVED that Council defers this item to allow the Ministers Fraternal to meet and consider supplying the bibles for citizenship ceremonies at no cost to Council.

Current Status: Awaiting response from the Ministers' Fraternal.

Schedule of Outstanding Resolutions

21 JUNE 2000

NOTICE OF MOTION

- 3. Local Environmental Plan Revision Advisory Committee**
LEP, Notice of Motion - Cr Brinsmead

1810

Cr Brinsmead

Cr Youngblutt

RESOLVED that:-

- 1 Council forms a Local Environmental Plan Advisory Committee (comprising 1 Councillor (Chairperson), the Director Development Services or his representative, 1 person appointed by the Rural Industries, 1 person appointed by TEDC, 1 Planning Consultant from the private sector, 1 person from an Environmental group, and 1 person from a local business organisation) to immediately proceed with a review of the Local Environmental Plan in respect to all Rural land and all Environmental Protection zones and that the Director Development Services may make suggestions to include further community representation in this group as the need may arise;
- 2 The Director Development Services reports to Council regarding the review within six months.

Current Status: Report being prepared.

7 JULY 2000

ORDERS OF THE DAY

- 2. Murwillumbah Main Street Project**
Streetscaping - Murwillumbah, Notice of Motion

44

Cr Lawrie

Cr Carroll

RESOLVED that a report be brought forward on the possibility of providing temporary/permanent shade structures and stencil-crete on the expanded pedestrian areas constructed as part of the Murwillumbah Main Street Project.

Current Status: Concept being prepared prior to consultation with the Murwillumbah Chamber of Commerce.

Schedule of Outstanding Resolutions

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.

ORDERS OF THE DAY

2. Markets - Sale of Food and Drinks

Markets - General, Notices of Rescission

71

Cr Polglase

Cr Luff

RESOLVED that Council:-

1. Considers reviewing its policy on Vending of Food on Public Reserves, Streets and Roads, as it applies to markets.
2. Calls for a report on options with a view to placing proposals on public exhibition for comment.

Current Status: Report to 6 September 2000 meeting.

Schedule of Outstanding Resolutions

2 AUGUST 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. **Development Application K00/389 for Eleven (11) Swing Moorings at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads**

DA3346/40 Pt1

108

Cr Luff

Cr Lawrie

RESOLVED that this item be deferred to allow further consultation with Lend Lease to establish what consultation has been held with residents and receipt of the management plan.

Current Status: Consultation to be held.

ORDERS OF THE DAY

3. **Recreation Facilities - Level of Service**
Parks - Maintenance & Improvements, Notice of Motion

150

Cr Luff

Cr Beck

RESOLVED that Council requests the Manager Parks and Recreation to make a workshop presentation to give and discuss with Councillors, information including:

- A description of current level of service; cost of same; the cost if current level of service were raised,
- Effects of increased demand for services due to acquisition of new open space etc in new developments.

Current Status: Workshop to be arranged.

5. **Section 94 Contribution Plans**
Section 94 Plan - S94, Notice of Motion

151

Cr Lawrie

Cr Luff

RESOLVED that a report be prepared on the rationale for each of Council's s94 Contribution Plans.

Current Status: Report to be prepared.

Schedule of Outstanding Resolutions

THIS
PAGE
IS
BLANK

Items Deferred

ITEM DEFERRED FROM MEETING HELD 19 JULY 2000

3. *Proposed Consolidation and Boundary Reconfiguration of Lots 5 - 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West*

DA2300/150 Pt1

53

Cr Polglase

Cr Marshall

RESOLVED that this item be deferred to enable the applicant to address the next Community Access Meeting on Wednesday, 9 August 2000.

3. **ORIGIN: Development Control Unit**

FILE REF: DA2300/150 Pt1

REPORT TITLE:

Proposed Consolidation and Boundary Reconfiguration of Lots 5 - 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West

SUMMARY OF REPORT:

An application has been received seeking approval for a four (4) lot subdivision. The application proposes to create four (4) lots from six (6) existing lots. The extension of Tringa Street into the subject land is also proposed.

The proposal is considered to be a subdivision and pursuant to Clause 32 (3) of the TLEP 2000 consent must not be granted for subdivision for residential purposes, within the 25 or higher ANEF contour. The subject land is within the 25-30 and 30 –35 ANEF contour.

The site has a history of unauthorised filling which consists of builders' waste and a previous application to approve this filling was refused by Council. Subsequently this fill was to be removed but it still exists on the subject land.

Council's Acid Sulphate Soil Maps indicate that the land is Class 2 and under the provisions of Clause 35 of the Tweed Local Environmental Plan 2000, works below the ground surface and work which is likely to lower the watertable requires Council's consent and needs to be supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils.

The proposal will involve some works below the ground surface and accordingly a preliminary soil assessment is required and this has not been provided.

It is considered that the application cannot be supported as the land contains a substantial amount of unauthorised fill and a preliminary soil assessment has not been provided to determine if acid sulfate soils are present or absent. In addition Council cannot consent to the proposal subdivision pursuant to Clause 32 (3) of the TLEP 2000 as the land is within the 25 or higher ANEF contour.

Items Deferred

RECOMMENDATION:

That :-

- A. The development application submitted by McLauchlan Surveying Pty Ltd for a consolidation and boundary reconfiguration at Lots 5-9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West be refused for the following reasons:-
1. Pursuant to Clause 32 (3) of Tweed Local Environmental Plan 2000 consent must not be granted to a subdivision for residential purposes within the 25 or higher ANEF contour.
 2. The proposal is contrary to the public interest.
 3. The application is not supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils, as required by Clause 35 of Tweed Local Environmental Plan 2000.
 4. The subject land contains a large amount of unauthorised fill material which consists of builders waste. This type of fill material is considered to be inappropriate as potential foundation material for any future building work.
 5. A contamination report in accordance with Council Policy has not been submitted.
- B. The owner be requested to remove all unauthorised filling from the site (to an approved location) and rehabilitate the site to the satisfaction of Council within 90 days failing which Council will commence proceedings in the Land and Environment Court to remedy a breach of the Environmental Planning and Assessment Act.

Items Deferred

REPORT:

Applicant: **McLauchlan Surveying Pty Ltd**
Owner: **Ace Homes**
Location: **Lots 5 – 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West**
Zoning: **2(a) Low Density Residential**
Est. Cost: **\$10,000**

PROPOSAL

A development application has been received seeking approval for a four (4) lot subdivision. The application proposes to create four (4) lots from the existing six (6) lots by re-arranging the boundaries. See Figures 1 and 2 for the current and proposed lot layout. The application also proposes to extend Tringa Street into the subject land by way of a cul-de-sac.

The subject land has a total area of approximately 6.92ha with frontage to Gray, Marian and Tringa Streets. The land is vacant. The land is flat and generally cleared with a small remnant swamp forest dominated by broad leaved paperbark, swamp oak, swamp turpentine and forest red gums to the north western corner of the land. This has been heavily disturbed. The land is bound by Gray Street to the east, Marian Street and a laneway to the south, Tringa Street and residential allotments to the west and Councils Sewerage Treatment Works and industrial land to the north.

A substantial amount of unauthorised fill material has also been placed on the land.

HISTORY

The subject land has a history of proposed development and unauthorised work. It is also affected by the 25-30 and 30-35 ANEF contours.

At Council's meeting of 7 September 1994, Council resolved to approve the erection of a residential flat building comprising 102 dwellings at Lots 5-8 Section 4 DP 9025/ The consent 94/171 was issued on 23 September 1994.

On 13 January 1997, Council received a complaint that the subject land was being cleared and filled. The land is affected by a Tree Preservation Order and Council requested a development application for the filling and an application for the removal of trees. The application for the removal of trees was submitted on 29 January 1997, following which a development application was also submitted on 20 February 1997 for filling. Council at its meeting of 20 August 1997 refused the application for filling as the fill material is inappropriate and is waste material.

On 27 August 1997 the applicant was requested to remove all fill following refusal of the above development application.

Council received further complaints that material was again being dumped on the land. On 13 October 1999 Council requested the owner to cease this work and show cause why Council should not instigate legal proceedings given the history of unauthorised filling at the site.

The unauthorised filling was reported to Council's meeting of 17 November 1999 with a recommendation to commence legal proceedings. Council deferred the matter to allow the owner to address Community Access. The owner advised Community Access that the fill material had been

Items Deferred

dumped by someone else without his knowledge or permission. Following the owners advice the matter was again reported to Council's meeting of 19 January 2000 where Council resolved to direct the owner to remove all recently dumped fill.

The owner commenced to remove the fill and notify Council of sites where the fill may be dumped. Council on 29 February 2000 advised the owner that the proposed sites had not had approval for filling and requested the owner to indicate the purpose of the fill on the sites.

On 24 May 2000 Council sent a further letter to the owner, following complaints, that further unauthorised excavations was taking place and was requested to stop work immediately. No response has been received from the owner in relation to this.

It is quite obvious that the site has a history of unauthorised work in relation to filling. It is considered that the owner has not taken Council's advice into consideration and a large amount of unauthorised fill still remains on the site which consists of building waste which is not considered to be appropriate fill material.

On 22 January 1999, Council received a development application (K99/64) seeking approval for a residential flat development comprising 114 units and 16 townhouses at Lots 8 and 9 Section 4 DP 9025 and Lot 1 DP 779976. This application was reported to Council's meeting of 1 September 1999 with a recommendation for refusal. Council's resolution is as follows:-

***“RESOLVED** that the development application submitted by Ace Homes Pty Ltd for the erection of residential flat buildings comprising 114 units and 16 townhouses, amenities building, swimming pool and tennis court be refused for the following reasons:-*

- 1. The land is affected by the operations of Gold Coast Airport Limited and is within the 25-30 and 30-35 ANEF 2010 contour plan for the airport. Approval in this instance would be contrary to the provisions of AS2021-1994 and Council's adopted policy and is considered inappropriate.*
- 2. The proposal is inconsistent with the draft Local Environmental Plan 1998 which provides that Council must not grant consent to development for purposes of multi dwelling residential development within the 25 or higher ANEF contour.*
- 3. The circumstances of the case in that the applicant has failed to adequately address the impact of the development in respect to the following:-*
 - Flora and Fauna*
 - Site contamination*
 - Drainage*
 - Details on fill*
 - Details how stormwater is colleted, treated and discharged*
 - Water supply and sewer connections*
- 4. The traffic report is out of date in some areas and does not address the impact of the proposed development east of Gray Street intersection which is a critical segment of*

Items Deferred

Kennedy Drive. The proposals would create further traffic congestion along Kennedy Drive and Council wishes to limit the impact of development on Kennedy Drive to current levels.

5. *The proposal is contrary to the public interest.*
6. *The proposal does not satisfactorily address the design elements of Development Control Plan No. 6- Multi Dwelling Housing.”*

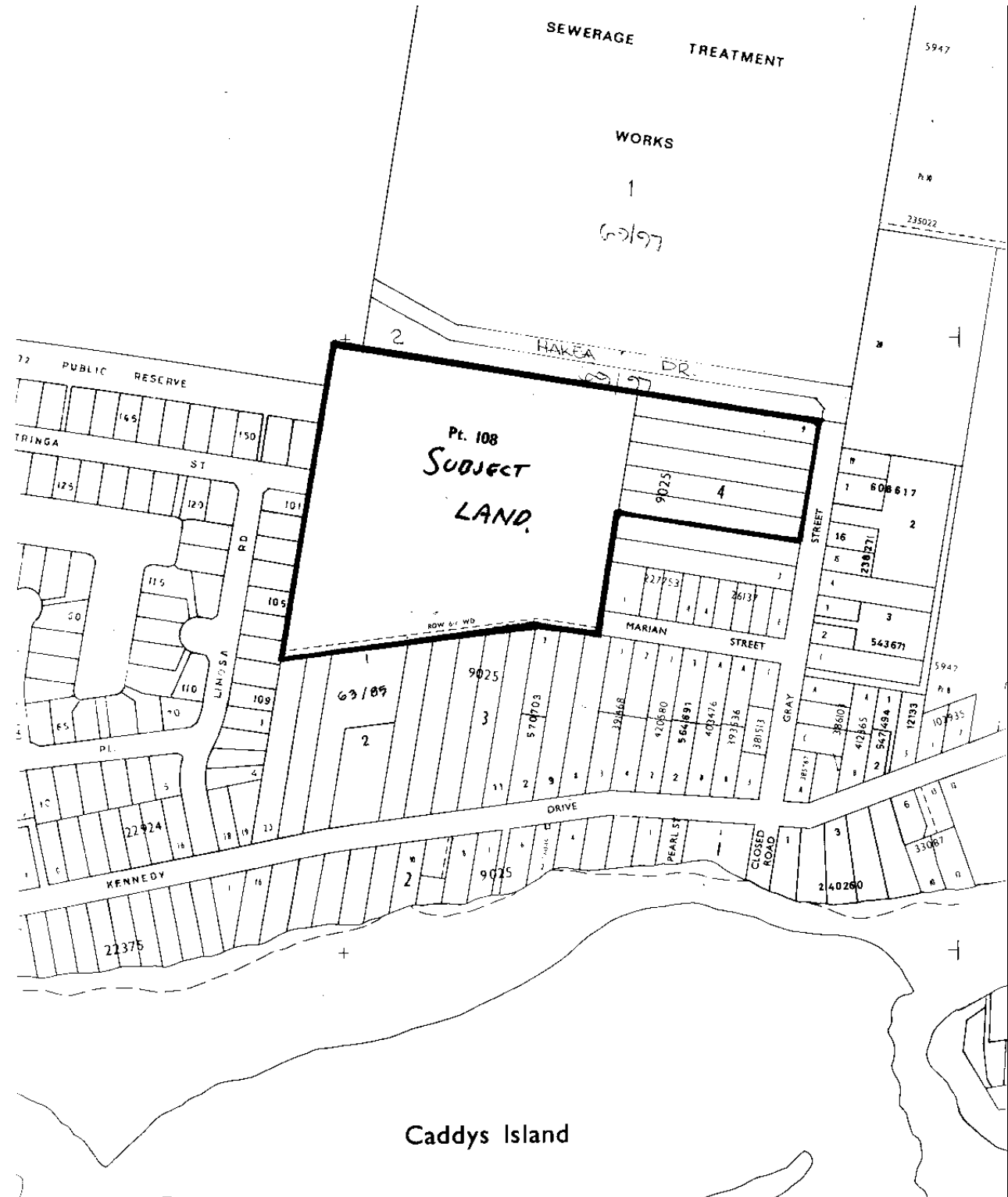
On 3 February 1999 Council received a development application (K99/123) seeking approval for a residential flat development comprising 17 townhouses and 17 units at Lot 1 DP 779976. This application was withdrawn on 13 April 1999.

On 9 February 1999 Council received a development application (K99/144) seeking approval for a 6 lot subdivision (Boundary reconfiguration) at Lot 1 DP 779976 and Lots 5-9 Section 4 DP 9025. This application was also withdrawn on 8 October 1999.

On 17 February 1999 Council received a development application (K99/186) seeking approval for a residential flat development comprising 72 units and 18 townhouses at Lot 1 DP 779976. This application was also withdrawn on 13 April 1999.

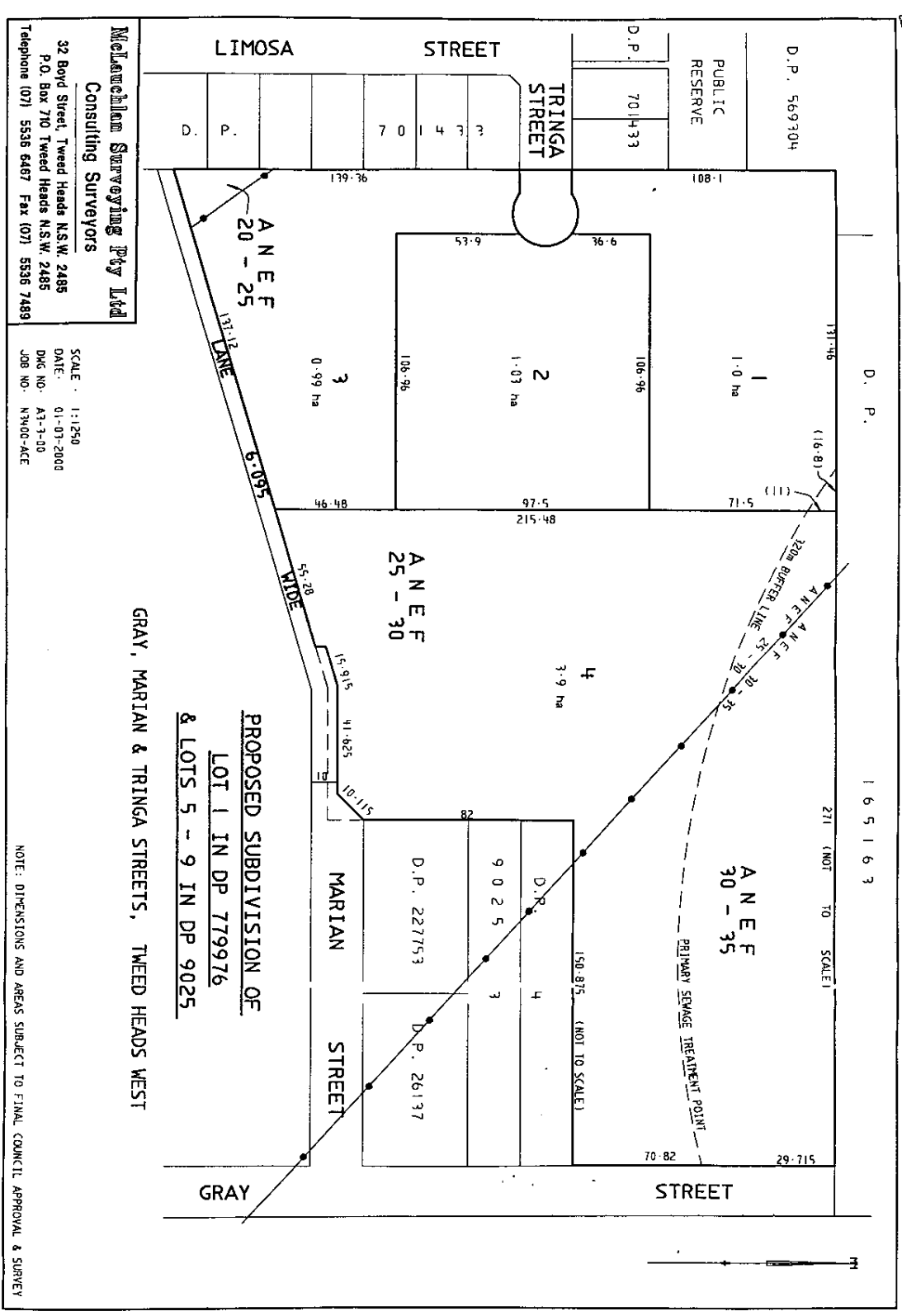
Items Deferred

FIGURE 1 – LOCALITY PLAN



Items Deferred

FIGURE 2 – PROPOSED SUBDIVISION



Items Deferred

EVALUATION

A complete assessment of the application against the matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 is provided below.

(a) (i) Planning Instruments

The Environmental Planning & Assessment Act, 1979 defines “subdivision of land” as follows:

- “1. *For the purposes of this Act, subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:*
 - (a) *by conveyance, transfer or partition, or*
 - (b) *by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*
2. *Without limited subsection (1), subdivision of land includes the procuring of the registration in the Office of the Registrar-General of:*
 - (a) *a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or*
 - (b) *a strata plan or strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*
3. *However, subdivision of land does not include:*
 - (a) *a lease (of any duration) of a building or part of a building, or*
 - (b) *the opening of a public road, or the dedication of land as a public road, by the Crown, a statutory body representing the Crown or a council, or*
 - (c) *the acquisition of land, by agreement or compulsory process, under a provision of an Act (including a Commonwealth Act) that authorises the acquisition of land by compulsory process, or*
 - (d) *a division of land effected by means of a transaction referred to in section 23G of the Conveyancing Act 1919, or*
 - (e) *the procuring of the registration in the office of the Registrar-General of:*
 - (i) *a plan of consolidation, a plan of identification or a miscellaneous plan within the meaning of section 195 of the Conveyancing Act 1919 or*

Items Deferred

- (ii) *a strata plan of consolidation or a building alteration plan within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986*

Section 195 of the Conveyancing Act 1919 defines “Plan of Consolidation” as follows:

“plan of consolidation means a plan that shows the consolidation of 2 or more existing lots into a single lot, where there is no simultaneous redivision of them into 2 or more new lots, whether or not the plan also shows one or more of the matters referred to in paragraph (a), (b) or (c) of the definition of miscellaneous plan.”

For the purposes of this application, taking the above definitions into considerations, it is considered that the proposal is a “subdivision” rather than a consolidation or boundary adjustment.

The proposal will create four (4) lots and will also involve the construction of a new road by extending Tringa Street into the subject land.

Tweed Local Environmental Plan 2000 (TLEP 2000)

The land, the subject of the application is zoned 2(a) Low Density Residential. The proposal is permissible with the consent of Council, subject to compliance with the following clauses:-

Clause 22 – Development near Designated Roads

The subject land has frontage to Gray, Marian and Tringa Streets and these streets have vehicular access to Kennedy Drive which is a designated road.

In this instance the proposal is to reconfigure and consolidate the existing six lots to create 4 lots. This is unlikely to create additional traffic movements on Kennedy Drive but more than likely improve it as the number of lots are decreased. In this instance the proposal is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of Kennedy Drive.

Clause 32 – Aircraft Noise

The objectives of this clause is to prevent certain noise sensitive developments from locating in proximity to Coolangatta Airport and its flight paths and to minimise the noise impact from the operation of Coolangatta Airport on development in its vicinity.

This clause applies to land within the 20 or higher ANEF contour. The subject land is within the 25-30 and 30-35 ANEF contours.

This clause also provides as follows:-

- “(3) Consent must not be granted to development for the purpose of a caravan park, childcare centre, hospital or educational establishment or for residential development (including subdivision for residential purposes, but not including the erection or use of a dwelling house) within the 25 or higher ANEF contour.”*

The proposal is considered to be a “subdivision” and is therefore prohibited by Clause 32(3).

Items Deferred

Clause 35 – Acid Sulfate Soils

This clause generally provides that a person must not, without development consent, carry out works on land shown as being Class 1, 2, 3, 4 or 5 land on Council's Acid Sulfate Soils Planning Map.

The subject land is Class 2 and the specified works that require Council's consent are those works below the ground surface and works by which the water table is likely to be lowered.

Works include any landform alteration that may result in the disturbance of soil including road works. In this instance the application proposes to extend Tringa Street by approximately 30m into the subject land by way of a cul-de-sac. In addition there is also likely to be ground disturbance from the provision of essential services such as sewer, water and stormwater etc.

It is considered that the construction of this road and essential services are likely to be below the ground surface. In accordance with Clause 35(4)(a) a preliminary soil assessment is required to ascertain the presence or absence of acid sulfate soils within the area of proposed works, unless the applicant agrees that acid sulfate soils are present within the area of proposed works.

This preliminary soil assessment has not been submitted.

In relation to acid sulfate soils the applicant has provided the following:-

“The question of acid sulfate soils presence can be adequately addressed with a totally unrelated 1997 consent which states:

any proposed excavation below RL5.0m AHD shall be investigated for acid sulfate soil conditions with result of the investigation being submitted with the engineering plans for Council's approval. If acid sulfate soils exist, a management plan in accordance with NSW Environment Protection Authority Guidelines be prepared and approved by Council prior to construction work occurring in the affected area”.

It is considered that the information provided by the applicant in relation to acid sulfate soils is inadequate (as it predates the current LEP requirements) and that a preliminary soil assessment is required to ascertain the presence or absence of acid sulfate soils in accordance with this clause of the TLEP 2000.

(iii) Any Development Control Plan (DCP)

DCP16 – Subdivisions Manual

It is considered that the proposal is generally consistent with the relevant provisions of this plan, subject to the imposition of standard conditions.

Items Deferred

(b) Impacts

No significant adverse environmental impacts are envisaged. The only physical works likely is the extension and construction of Tringa Street into the subject land and the provision of essential services such as sewer, water and stormwater.

However, as previously discussed, with the construction of the new road and essential services it may have the potential of disturbing acid sulfate soils. To determine the presence or absence of any acid sulfate soils a preliminary soil assessment is required as previously discussed.

The application is also accompanied by a flora and fauna assessment in accordance with Section 5A of the Environmental Planning and Assessment Act, 1979. This assessment concludes that any development of this site for residential purposes is not going to significantly affect threatened species, populations or ecological communities. Therefore, a Species Impact Statement is not required.

As the application proposes to ultimately reduce the number of allotments from 6 to 4 it is considered that a reduction in the number of lots is not likely to have any significant adverse social impacts on the locality.

In addition, it is also considered that a reduction in the number of lots from 6 to 4 is not likely to have an adverse impact on traffic movements in the locality especially along Kennedy Drive.

(c) Suitability of the Site for the Development

As previously discussed the subject land is within the 25-30 and 30-35 ANEF contours and under the provisions of TLEP 2000 subdivision for residential purposes must not be granted consent.

The subject land has a history related to large amounts of unauthorised fill being dumped on the site. This fill still exists on the site, even though, on several occasions, Council has requested the owner to remove the fill. This fill material consists of builders waste and is an inappropriate material for building purposes.

Subsequently, it is considered that this development application should not be supported until such time as all the unauthorised fill is completely removed from the site in accordance with Council's previous advice to the owner.

The subject land, ie. part of proposed Lot 4, is within the 320m sewerage buffer zone. However, it is considered that there is still adequate area within Lot 4 that is outside the buffer to place a dwelling.

(e) The Public Interest

To protect the public interest it is considered that the application should not be supported for the reasons discussed in this report.

Items Deferred

SUBDIVISION ENGINEER COMMENTS

- *The proposed subdivision is classed as a :boundary adjustment: and as such does not require site filling in accordance with DCP5 Section 3.3.*
- *Services (stormwater, sewer, water, power, Telstra, etc), must be provided for each allotment.*
- *Access to Lots 1, 2 and 3 will be off the proposed road extension to Tringa Street.*
- *Access to Lot 4 will be off Gray Street.*
- *No access will be allowed to Marion Street.*
- *The site has been partially filled in an uncontrolled manner. Geotechnical testing and certification will be required prior to issue of subdivision certificate.*

ENVIRONMENT AND COMMUNITY SERVICES DIVISION COMMENTS

Council's Waste Management Coordinator has advised that the filled area of the site has been previously used as an unauthorised waste depot used for the disposal of builders waste. All this material should be removed to the satisfaction of the Director, Environment and Community Services before approval is contemplated.

In addition, part of the site has recently been used as an unauthorised quarry for the extraction of sand fill. This material is potentially acid sulfate soil. This portion of the site should be remediated before approval is contemplated.

Council's Environment and Health Officer has advised that the provisions of Clause 35 of the TLEP 2000 apply. In the applicant's Statement of Environmental Effects in regards to what was Council's previous requirement regarding acid sulfate soils is no longer accurate and is now replaced by Clause 35 of the TLEP 2000.

The subject land is Class 2 under Council's Acid Sulfate Soil Planning Maps and Clause 35 of TLEP 2000 provides that for Class 2 land works below the ground surface and works by which the water table is likely to be lowered will require Council consent and will need to be supported by preliminary soil assessment to ascertain the presence or absence of acid sulfate soils.

The proposal will likely involve works below the ground level as Tringa Street will be extended into the subject land and the provision of essential services such as water and sewer will also disturb the ground level. Accordingly, the provisions of Clause 35 of the TLEP 2000 now apply and the application needs to be supported by a preliminary soil assessment.

In relation to contaminated land there are no known dip sites on the property. The Statement of Environmental Effects advises that an aerial photograph from 1962 does not show any evidence of agricultural or other (industrial) activity. Two statements have been provided from people who have been familiar with the subject land. Both statements advise that the land was only ever used for grazing of horses. However, to ensure greater certainty it is recommended that the applicant advise whether or not it is possible to provide a statement regarding the use of the land from previous land owners. If so, then such a statement should be provided.

Items Deferred

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination of the application, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such no third party appeal rights exist.

OPTIONS

As the proposal is inconsistent with Clause 32(3) of Tweed Local Environmental Plan 2000, it is considered that Council has no option but to refuse the application.

CONCLUSION

The proposal is considered to be a "subdivision" rather than a "consolidation" or "boundary reconfiguration", subsequently, aircraft noise (Clause 32) of the TLEP 2000 prohibits the proposal.

The application does involve some works below the ground surface with the extension of Tringa Street into the subject land and the provision of essential services such as stormwater, sewer and water etc. In accordance with Clause 35 of the TLEP 2000 the subject land is Class 2 on Council's acid sulfate soils planning maps. Any works below the ground surface or which is likely to lower the water table requires Council consent and needs to be supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils. This assessment has not been provided and subsequently the application cannot be supported for lack of this information.

The subject site also has a history of unauthorised fill which consists of builders waste which has not been removed from the site. Council previously refused a development application seeking approval for some of the fill because this fill is considered to be inappropriate as potential foundation material for any future building works and may involve Council in future litigation problems. It is considered that the application cannot be supported until the unauthorised fill is removed to Council's satisfaction.

Accordingly, it is considered that the application should not be supported for the reasons discussed above.

Items Deferred

THIS
PAGE
IS
BLANK

Items Deferred

ITEM DEFERRED FROM MEETING HELD 2 AUGUST 2000

24. Joeys Pouch Educational Childcare Centre

PF5840/9010 Pt2, Pre school – Joeys Pouch

106

Cr James

Cr Davidson **RESOLVED** that this item be deferred to the next meeting of Council.

The following item deferred is the subject of a further report at Item 32, Reports from Director Environment & Community Services, in this Business Paper

24. ORIGIN: Environment & Health Services Unit

FILE REF: PF5840/9010 Pt2, Pre school – Joeys Pouch

REPORT TITLE:

Joeys Pouch Educational Childcare Centre

SUMMARY OF REPORT:

Council is advised that the above premises which is owned by Council, built by a Commonwealth Government Grant, and managed by a community committee, has extensive problems with white ant attack.

RECOMMENDATION:

That Council:-

1. Commits to the expenditure of \$15,000 for repairs and white ant prevention treatment to Joeys Pouch building.
2. Such funds to be provide from the first budget review.

Items Deferred

REPORT:

Council is advised that the above premises, which is owned by Council, built by a Commonwealth Government Grant, and managed by a community committee, has extensive problems with white ant attack.

The current situation is that repair works including the replacement of walls in kitchen, pantry, office and stove areas have been undertaken and additional works are ongoing as further damaged walls and nests are discovered.

The Committee has expended all their available funds and most of a \$20,000 grant fund they were given for the replacement of the white ant damaged timbers and provision of external barrier treatments.

As these further works are required to ensure the structural stability of the building, being a Council asset, it is considered that they should be completed. The contractor currently engaged estimates that a maximum of \$10,000 will be required.

In addition, it would appear that further works around the perimeter of the building are still required to ensure future protection of the structural integrity of the building when the current repair works are completed. Quotes for these works would need to be obtained but are estimated to be \$5,000.

Accordingly, it is recommended that such funding be provided from their next budget review.

There are no funds in the current budget for these items.

Reports from Director Development Services

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

THIS
PAGE
IS
BLANK

Reports from Director Development Services

1. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/16

REPORT TITLE:

Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving) - Amendment to the Contribution Plan.

SUMMARY OF REPORT:

Contribution Plan No 16 requires amendment for the following reasons:

- Additional equipment totalling \$135,600 is required to service the Kingscliff South area. This will be undertaken by the Cabarita Surf Lifesaving Club as an outpost service, until more permanent arrangements are made for this development area.
- A new surf lifesaving clubhouse is required at an approximate cost of \$500,000.
- An increase in the total cost of the Emergency Facilities (Surf Lifesaving) program.
- A decrease in the occupancy rates for residential development.
- An extension in the life of the Plan to 2006.

RECOMMENDATION:

That:-

1. Council prepares a Draft Amendment to Contribution Plan No.16 to include the following:
 - Additional equipment totalling \$135,600 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.
 - An extension in the life of the Plan to 2006.
2. The draft amendment be exhibited in accordance with the Environmental Planning and Assessment Act 1994.

Reports from Director Development Services

REPORT:

KINGSCLIFF SOUTH DEVELOPMENT AREA

Issue

South Kingscliff comprises a tourist, commercial and residential development strip east of Cudgen Creek, immediately south of Kingscliff. The total population of the area is estimated at 8,000 – 10,000 persons. This development will generate the need for surf lifesaving facilities, particularly with the proposed high level of tourists being accommodated in the area. In addition the development of this coastal area will also bring day-trippers from both within and outside the Shire over and above those identified in Contributions Plan No 16 – Emergency Facilities (CP 16).

Contribution Plan No 16 – Emergency Facilities

CP 16 has been in operation since 1996 and was intended to cater for the additional population in the Tweed Shire over the subsequent five years, that is from 1996 to 2001. The current work program in the Plan is for a total of \$275,000 as follows:

- Cudgen Headland Surf Lifesaving Club - emergency facilities and equipment - \$39,600
- Cabarita Beach Surf Lifesaving Club-emergency facilities and equipment - \$39,600; upgrade of amenities - \$47,000
- Fingal Rovers Surf Lifesaving Club - emergency facilities and equipment - \$39,600
- Proposed Pottsville Beach Surf Lifesaving Facilities - demountable storage - \$26,000; amenities - \$18,500; emergency facilities and equipment - \$65,600

CP 16 does not include contributions for equipment and facilities for this development area. It was assumed there would be no development at Kings Beach for the period of the Plan. However the recently approved subdivisions for Casuarina Beach has necessitated a review of this situation. The consent for Stages 2, 3 and 4 contain a condition requiring an additional contribution of \$55 per lot to be used towards the provision of surf lifesaving equipment and facilities in this area. This amount was based on an estimate provided by Cabarita surf lifesaving club for equipment for an outpost at Casuarina Beach.

Following those consents a need for a new life saving club house has also been identified. The purpose of this report is to amend CP 16:

- To include the additional surf lifesaving equipment and facilities for the Kings Beach area;
- to include a further contribution for a clubhouse.

Contribution Plan No 16 (Amendment No 1)

CP 16 requires amendment. It is proposed that the following be provided under this amended plan:

Surf Club Building

There is a requirement for a new surf club building to be constructed along the Tweed Coast. There are currently three existing surf clubs at Fingal Head, Kingscliff and Cabarita. Advice received

Reports from Director Development Services

from the Surf Lifesaving Society of Australia is that the preferred site is at Cabarita, where there is currently a club house building. However there is now an urgent need to replace this club as it will not meet the needs of the future population in the Tweed Shire over the next five years.

In addition, the physical condition of the club building is such that it requires either replacing or major renovations in the near future. It is therefore proposed to levy the incoming population over the next five years as the clubhouse will be required in approximately five years at a cost of \$500,000.

The estimated population increase over that time will be 11,666 people, made up as follows:

1. Anticipated South Kingscliff Population

net increase: 2000-2006

- * Ex-NSW Tourism Commission land
1,000
- * Kings Health Club of Clubs land
1,800
- * Seaside City
1,000
- * Kings Forest
1,000
- * Casuarina Beach
2,200

7,000

(The population at Seaside City does not indicate a Council acceptance of current zoning and subdivision layout).

The Casuarina Beach population is based on the developer's advice of 412 lots from Stages 2 to 6 in 2000/2001 plus 100 per annum for the subsequent 4 years – ie. total of 812 x 2.6 average persons per household = 2,192, say 2,200).

2. Assume South Kingscliff is 60% of Shire population growth 2001-2006 inclusive (ie. 7,000 out of 11,666) – reflecting the acceleration of growth generated by South Kingscliff developments.

It is acknowledged that funds have been received to date under the original plan and the population contribution to this original plan have been levied less. However as the cost of the proposed club house is a conservative estimate it is considered prudent to add the additional requirements (equipment for Kings Beach and the club house) to the total estimate in the original plan, rather than draft a new plan or subtract the monies already collected.

Reports from Director Development Services

Outreach Service

An outreach service is proposed along this beach area, similar to the one that is currently provided for under this Plan at Pottsville Beach. The main difference with the Pottsville outpost is that two fully equipped vehicles will be provided at an approximate cost of \$50,000, there will be no amenity block to be provided for in this area under this Plan, and it is proposed that a more permanent upgraded storage and vehicle shed be provided. The total cost to equip this outreach service will be \$135,600. This will only be applicable to development at Casuarina Beach.

Estimated Costing of Additional Facilities

The emergency facilities and equipment required for the Kingscliff South area is:

Demountable storage and vehicle shed (3 bay) with first aid room ($75\text{m}^2 \times \$300/\text{m}^2 = \$22,500$) plus power, access, phone (\$3,500) = \$30,000.

- Emergency facilities and equipment:

- 2 x 4wd vehicles
\$50,000
- 1 IRB and trailer
\$10,000
- 1 Oxy-viva
\$2,500
- 2 IRB motors and fuel tank
\$5,000
- 1 stretcher/blanket
\$500
- 1 shark alarm
\$150
- 2 radios (water proof)
\$4,500
- 2 rescue tubes
\$250
- 2 rescue boards
\$1,800
- signs
\$500
- 1 computer equipment
\$4,000
- 1 first aid kit
\$400

Reports from Director Development Services

- 1 outpost alarm and control monitor
\$25,000
- 1 ambu-man mannequin
\$1,000

\$105,600

TOTAL
\$135,600

Proposed new surf lifesaving club house

- Cost of building
\$500,000

CONCLUSION

It is proposed that Contribution Plan No 16 be amended to:

- Include the additional expenditure of \$135,600 required to provide emergency facilities and equipment for the Casuarina Beach development area;
- Include construction of a new surf life saving club as a Shirewide funded facility;
- Provide for a decrease in the occupancy rate for residential development
- Provide for an extension to the life of the Plan to 2006.

FINANCIAL IMPLICATIONS

Levy rate

It is anticipated that the new levy rate at Kings Beach will be of the order of \$250 per residential lot, an increase from the current rate of \$80. However, in the case of Casuarina Beach Stages 2, 3 and 4 the developers have agreed to pay an additional \$55 per lot (ie, a total of \$135 per lot).

Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

2. ORIGIN: Development Control Unit

FILE REF: DA3120/85 Pt3

REPORT TITLE:

Proposed Extractive Industry at Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745 Quarry Road/Lundberg Drive/Wardrop Valley Road, Murwillumbah

SUMMARY OF REPORT:

Council has lodged a development application for an extractive industry on the subject land. The maximum extraction rate of the proposed quarry is 83,000m³ in situ (199,200 tonnes) per annum. The proposal raises issues of visual impact, noise impact, traffic and water quality control. It is considered that subject to compliance with mitigation measures contained in recommended amended Environmental Management Plan and recommended conditions of consent, the proposal will have a satisfactory impact and approval of the application on a deferred commencement basis is recommended. The deferred matter is a requirement to submit an amended Environmental Management Plan.

RECOMMENDATION:

That the development application lodged by Tweed Shire Council for an extractive industry at Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745 Quarry Road/Lundberg Drive/Wardrop Valley Road, Murwillumbah be approved by way of a “deferred commencement” consent subject to the following conditions:-

“DEFERRED COMMENCEMENT”

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to matters set out in Schedule “A”. Such evidence is to be provided within 6 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule “A”, the consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule “B”.

Schedule “A”

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

1. The submission of an amended Environmental Management Plan to the satisfaction of the Director, Development Services incorporating the following matters:-
 - * the concentration limits, monitoring of concentration of pollutants, noise limits and noise compliance reporting included in the Environment Protection Authority’s “General Terms of Approval”.

Reports from Director Development Services

- * A comprehensive Soil and Water Management Plan approved by the Environment Protection Authority and the Department of Land and Water Conservation.
- * A detailed Site Rehabilitation Plan incorporating the timing/staging of vegetation removal and the sequence and timing of rehabilitation work.
- * A requirement that site rehabilitation and landscaping works include the following:-
 - perennial grasses (eg. Couch and carpet grass), are to be included in the seed mix and legumes are not to be included.
 - all seeding is to be carried out on the same day as the topsoil is respread.
 - only appropriate local native species are to be planted and wattles and banksias are to be excluded.

Schedule "B"

Note: This part of the consent will not become operable until Council advises that the matters contained in Schedule A are satisfied.

GENERAL

1. The development shall be completed in general accordance with the Environmental Impact Statement prepared by Gary Shiels and Associates and dated March 2000, and the accompanying plans (incorporating Drawing No. 99212/1A, 99212/2A, 99212/3A, 99212/4A prepared by Brian Mackney and Associates and amended Figures 3 and 10), except where varied by these conditions.
2. Compliance with all requirements of the amended Environmental Management Plan required by Schedule A of this consent. Any alterations or amendments to the plan of management are to be approved by the Director, Development Services.
3. Consent is given to extract a maximum of 83,000m³ (in situ) of material per year. Records are to be kept verifying the amount extracted each year.
4. No drilling, blasting or crushing is to occur on the site.
5. The extraction area is to be defined on the ground by the establishment of permanent survey marks located and shown on a plan by a registered surveyor and submitted to Council prior to commencement of any work.
6. 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 to the satisfaction of the Director of Engineering Services.
7. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (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.

Reports from Director Development Services

8. Should operations uncover evidence of Aboriginal Heritage of the area, all work is to cease immediately and the National Parks and Wildlife Service and the Tweed Byron Aboriginal Land Council are to be notified. No work is to recommence until the National Parks and Wildlife Service permits such work to continue.
9. Progressive development of the site must provide lawful points of discharge.
10. An environment protection licence under the Protection of the Environment Operations Act, 1997 is to be obtained from the Environment Protection Authority prior to the commencement of any works.
11. Compliance with all requirements of the General Terms of Approval issued by the Environment Protection Authority which specifically include.

GENERAL TERMS OF APPROVAL

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

The development application Development Application DA3120/85 Pt2 submitted to Tweed Shire Council on 28 January 2000;

The Environmental Impact Statement for an "Extractive Industry at Quarry Road and Wardrop Valley Road, Murwillumbah" dated March 2000 relating to the development; and all additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act, 1997 having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act, 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act, 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

Reports from Director Development Services

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Discharge from sedimentation pond Water and Land

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
NFR	mg/L			-	50
pH					6.5-8.5

L4. Waste

L4.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act, 1997.

L4.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act, 1997.

L5. Noise limits

L5.1 Noise from the premises must not exceed:

- * an L_{A10} (15 minute) noise emission criterion of 43 dB(A) (7am to 6pm) Monday to Friday

L5.2 Noise from the premises is to be measured at any residence to determine compliance with this condition.

Definition

L_{A10} (15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the L_{A10} noise level must be measured or computed at any residence over a period of 15 minutes using “FAST” response on the sound level meter.

For the purposes of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest

Reports from Director Development Services

residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the façade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

L5.3 The noise emission limits identified in **L5.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Hours of operation

L5.4 All construction work at the premises must only be conducted between Monday to Friday between the hours of 7.00am and 6.00pm and 7.00am to 1.00pm Saturdays.

L5.5 The hours of operation specified in conditions L5.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O1.3 An onsite water cart will be used at all times to minimise dust.

O2. Stormwater/sediment control

O2.1 The operator of the quarry must prepare a comprehensive Soil and Water Management Plan before extraction begins and must implement the plan during extraction activities.

Reports from Director Development Services

O3. Noise Compliance

O3.1 A noise compliance report must be conducted within one week of the commencement of operations and every twelve months thereafter.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operation Act, 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

In a legible form, or in a form that can readily be reduced to a legible form;

Kept for at least 4 years after the monitoring or event to which they relate took place; and

Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

The time(s) at which the sample was collected;

The point at which the sample was taken; and

The name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Discharge from Sedimentation Pond Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
NFR	Mg/L	Monthly during times of discharge	Grab sample

Reports from Director Development Services

M3. Testing methods – concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act, 1997 in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3. Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

The Approved Methods Publication; or

If there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act, 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted.

Unless otherwise expressly provided in the licence.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act, 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharge), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Reports from Director Development Services

ROADS/STREETS

12. Detailed engineering plans for an Austroads Guide to Traffic Engineering Practice Part 5 Type B left and right turn treatment at both intersections with Wardrop Valley Road are to be submitted and approved by the Director of Engineering Services, prior to any work commencing or the quarry operating. The minimum sight distance is to be 115 metres or 175 metres desirable including all signage and linemarking. The intersections are to be constructed in accordance with the approved plans prior to the commencement of quarry operations.
13. All access roads from Wardrop Valley Road are to be sealed for 30 metres from the edge of the seal into the site and are to be 7.0 metres wide at the property boundary and 13.0 metres wide at the edge of the seal. Any gate or grid on the access road is to be recessed a minimum 20 metres.
14. Wheel wash or shakedown grids are to be provided on all access driveways.
15. Wardrop Valley Road is to be upgraded to a Tweed Shire Council Class 'E' standard as shown on Council Plan A2-36 from the southern most access to the urban cross section standard in the industrial area, prior to commencement of quarry operations.
16. Hinged truck warning signs are to be provided on Wardrop Valley Road.

ENVIRONMENT PROTECTION

17. Equipment is to be operated behind an acoustic barrier that is a minimum height of 3 metres above the height of the highest noise source and intervenes between working areas and residences in Wardrop Valley Road.
18. All trucks involved with haulage of material from the site must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations relative to noise emissions.
19. Prior to the use of any hydraulic rock breaker on the site a report is to be prepared by a suitably qualified acoustic consultant demonstrating the noise impact on affected premises will meet acceptable levels.
20. In addition to the noise reporting required by the Environment Protection Authority, within 6 months of the commencement of operations a noise impact assessment is to be undertaken by a suitably qualified acoustic consultant to verify the noise levels for haulage do not exceed accepted levels at the affected residences.
21. 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.
22. 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.

Reports from Director Development Services

REPORT:

Applicant: Tweed Shire Council (Ian Munro)
Owner: Tweed Shire Council and Jiggar Pty Ltd
Location: Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745 Quarry Road/Lundberg Drive/Wardrop Valley Road, Murwillumbah
Zoning: Part 4(a) Industrial, Part 5(a) Special Uses (Garbage Depot) and Part 7(1) Environmental Protection (Habitat) zone

BACKGROUND/PROPOSAL

A development application has been received for an extractive industry on the subject land. The subject land and location of the extractive industry is shown on Figure 1. The proposal constitutes "designated development" within the meaning of the criteria contained within Schedule 3 of the Environmental Planning and Assessment Regulations, 1994. In this regard the proposed extractive industry falls within the threshold for designated development in terms of annual volume of material extracted and extraction site area. The application is accompanied by an Environmental Impact Statement prepared by Gary Shiels and Associates Pty Ltd.

The proposal also constitutes 'integrated development' as a Environment Protection Licence is required to be obtained from the Environment Protection Authority under the Protection of the Environment Operations Act, 1997.

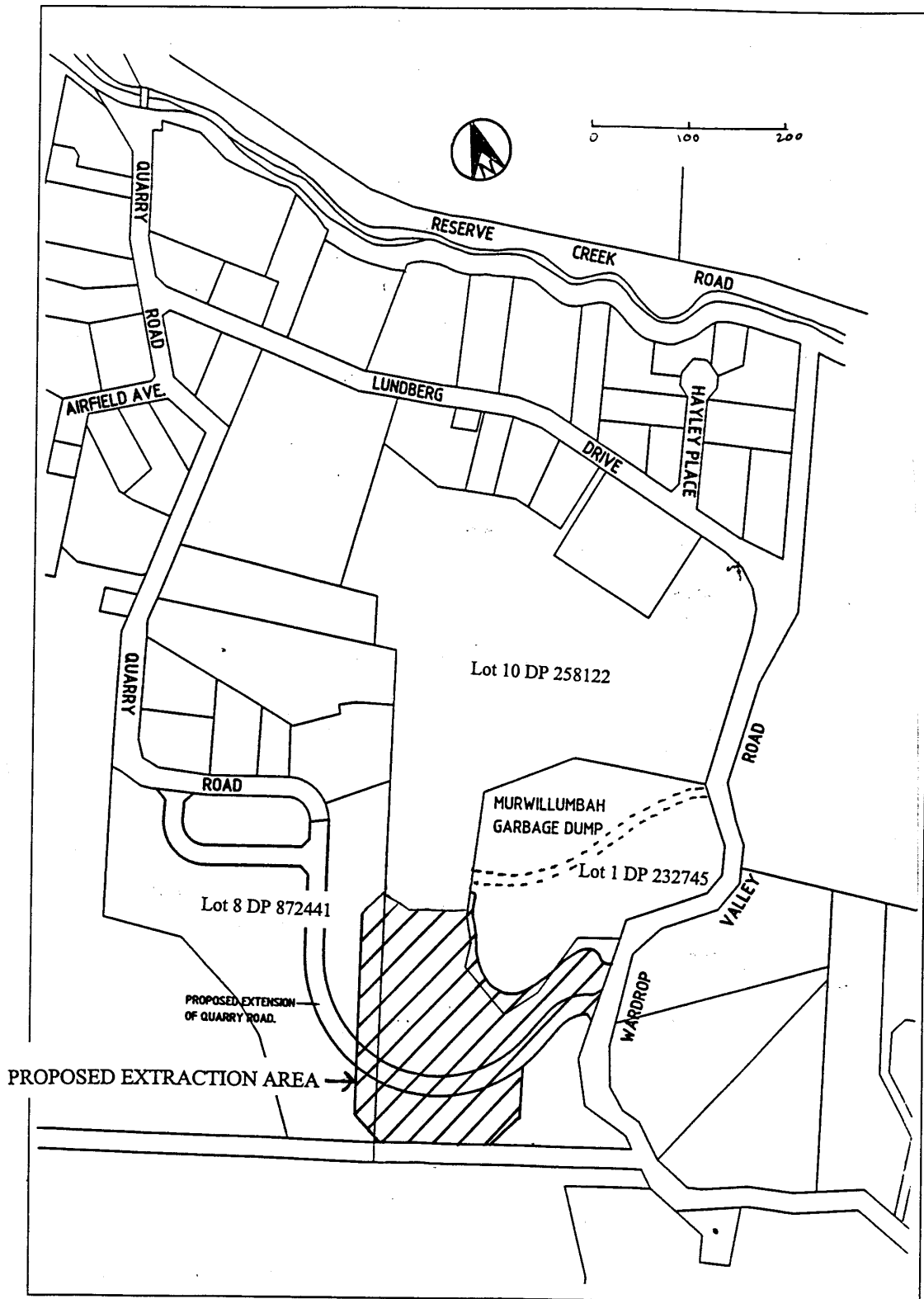
The subject land comprises Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745. Lot 10 has an area of 15.42 hectares and has frontage to Lundberg Drive and Wardrop Valley Road. This land contains the 7(1) Environmental Protection (Habitat) zone, undeveloped industrial zoned land, a pistol club and some undeveloped land in the 5(a) Special uses (Garbage Depot) zone. Lot 8 has frontage to Quarry Road and has an area of 6.987 hectares and contains the existing Brims Quarry. Lot 1 contains the existing garbage depot. The proposed quarry is primarily located within the 4(a) zone on the southern part of Lot 10 and the eastern part of Lot 8 adjacent to Brims Quarry. There is a small encroachment of the quarry into the 5(a) zoned land which contains the garbage depot. Figure 2 shows the zonings in the locality.

The proposal involves the removal of 520,000m³ of material by excavator, front end loaders, rock pick if necessary and haul trucks over a 4 hectare extraction site. No drilling, blasting or crushing is proposed. The proposed extraction rate is a maximum of 83,000m³ in situ per annum. Completion of the quarrying operations will result in a final landform suitable for future industrial development. Approximately 50,000m³ of material is to be used for site rehabilitation and cover material for the adjacent garbage depot. If extraction was to occur at the maximum every year the life of the quarry would be approximately 6 years.

It is anticipated that the proposed extractive industry will supply road gravel and construction material to the surrounding region. In particular, the material is likely to be used by the Roads and Traffic Authority, Tweed Shire Council and contractors for the construction and maintenance of roads, and within the development and building industry for fill and construction.

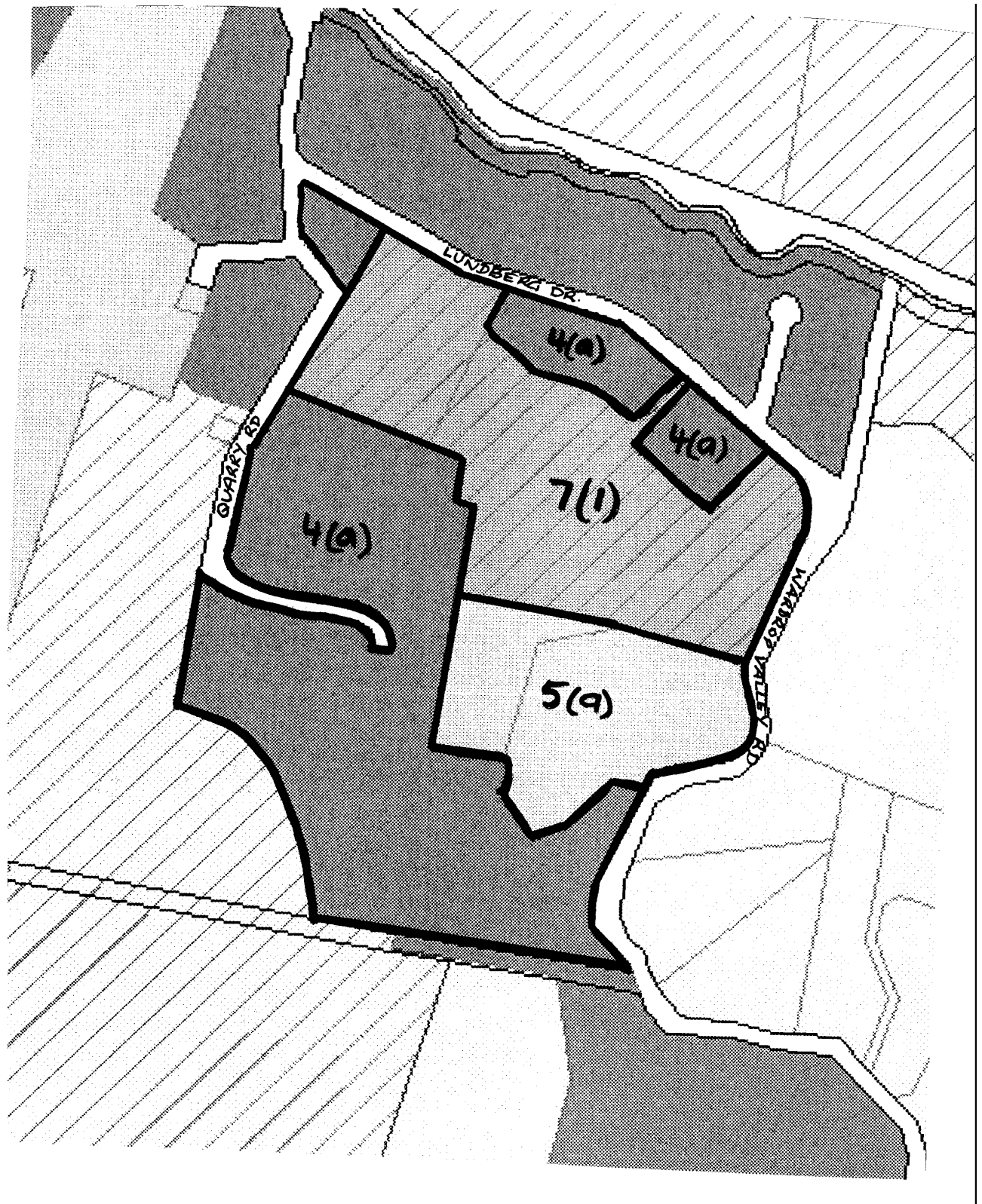
Reports from Director Development Services

FIGURE 1



Reports from Director Development Services

FIGURE 2



Reports from Director Development Services

CONSULTATION

The application was advertised for 30 days in accordance with the provisions of the Environmental Planning and Assessment Regulations, 1994. No submissions were received from individuals and eight (8) submissions were received from Government authorities. A summary of these submissions is provided below with comments where relevant.

NSW Fisheries

NSW Fisheries has no concerns with respect to the proposal extractive industry.

Department of Mineral Resources

The Department is satisfied with the specifications of the proposal as detailed in the EIS. Recommend approval of the application.

Northern Rivers Area Health Service

- The Management Plan should be reviewed and agreed by the necessary stakeholders.
- Council should ensure, by way of planning regulation that residential/rural residential or other non compatible land uses do not encroach on the quarry.

Comment

The issues addressed in the Management Plan appear to satisfy relevant stakeholders interests. Existing planning controls are adequate to control non compatible landuses.

NSW Agriculture

The proposed development should not have a significant impact on agricultural lands or agricultural production provided potential off site environmental impacts such as degradation of water quality, soil erosion and dust are managed appropriately.

Comments

Any consent will be conditioned to minimise off site impacts.

National Parks and Wildlife Service

- Review of the information suggests that the interests of the NPWS are unlikely to be affected by the proposal.
- Council needs to be satisfied that the proposed development is not likely to cause impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations or ecological communities.
- The proposed development is consistent with relevant legislation.
- An appropriate level of archaeological assessment has been carried out.
- Potential impacts on the NPWS estate, wilderness areas and recognised areas of high conservation value have been adequately considered.

Reports from Director Development Services

Comments

Flora and fauna issues will be discussed in the Evaluation section of this report.

Roads and Traffic Authority (Regional Advisory Committee)

1. The quarry access to Wardrop Valley Road should be constructed to Austroads Figure 5.16 Desirable Treatment for left turns in rural areas.
2. The access to the quarry should be sealed a minimum of 30m from Wardrop Valley Road. Any gate or grid on the access road should be recessed a minimum 20m.
3. Hinged truck warning signs should be provided on Wardrop Valley Road.
4. A contribution should be made towards the maintenance of the surrounding road network.
5. The Austroads Type "B" right turn treatment from Wardrop Valley Road to the quarry should be adequate.
6. If the existing tip access road is to be used to access the quarry, this junction with Wardrop Valley Road will require upgrading to Austroads standards.

Comments

Items 1-3 and 5, 6 can be addressed by way of appropriate conditions of any consent. In relation to item 4, Section 94 Plan No. 4 – Tweed Road Development Contribution makes provision for the imposition of heavy haulage contributions on "destination developments" rather than on the extractive industry. Therefore, a contribution cannot be applied to the consent.

Environment Protection Authority

The EPA has reviewed the information and has determined that it is able to issue an Environment Protection Licence for the proposal subject to a number of conditions. General terms of approval are attached.

Comments

The EPA's general terms of approval are required to be included as conditions of any consent.

Department of Land and Water Conservation (DLAWC)

An integrated soil and drainage management plan is required to address surface and groundwater and DLAWC wishes to review the extraction plan. The EIS needs to address a number of issues in relation to groundwater including:-

- Depth to water table
- Storage of fuels/chemicals
- Impact on dam, bores/wells from loss of groundwater quality and quantity
- If dewatering is required, expected pump rates, changes to water table and groundwater flow direction, disposal of wastewater and impacts on water quality

Reports from Director Development Services

- Potential for recharge
- The use of a groundwater monitoring program and contingency plan if necessary
- Refuelling, servicing and washdown of vehicles
- Final landuse and likely changes in groundwater quality and quantity
- Any monitoring bores or intersection of the water table must be licensed by DLAWC

Additionally, DLAWC has made suggestions regarding the proposed planting as part of the site rehabilitation.

Comments

In response to the issues raised by DLAWC, Richard Harry Engineering Services Pty Ltd prepared a "Groundwater Assessment" report on behalf of Council. The report addresses each of the issues raised by DLAWC and concludes "that the likelihood of the presence of groundwater on the site is low but in any case the proposed extractive operation is situated well above any groundwater on the site and will not appreciably affect this water source".

In addition, the report advises:-

- That storage of fuels/chemicals is a possibility as the final usage of the site is for industrial development. However, the proposal includes rehabilitation by applying approximately 450mm of clayey overburden (with 150mm topsoil on top) over the whole area which will serve as a barrier to restrict leachate movement.
- That there will be no groundwater extraction or dewatering
- The proposal will not induce any recharge on the site itself and the procedures for water quality control will minimise any potential impacts on any recharge areas that may occur adjacent to the site
- There is little evidence of natural springs, bores, dams etc in the area however the water quality controls will ensure minimal impacts
- No special provisions are proposed to monitor groundwater on the site as the hydrological environment precludes the presence of significant groundwater
- No refuelling, servicing or washing down is proposed as part of the quarry operations however as the final landuse is industrial, these activities are likely to occur. The clay layer should prevent the leachate of contaminants.

ASSESSMENT

A complete assessment of the application under Section 79C1 of the Environmental Planning and Assessment Act, 1979 is provided below.

Reports from Director Development Services

(a) (i) **The Provisions of Any Environmental Planning Instruments**

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned Part 4(a) Industrial, Part 5(a) Special Uses (Garbage Depot) and Part 7(l) Environmental Protection (Habitat) zone under TLEP 2000. The extraction area is within the 4(a) zone with a small encroachment into the 5(a) zone. The haul road extends through the 5(a) zone. No work is proposed within or adjacent to the 7(l) zone.

The proposal extractive industry is permissible with consent under the provisions of TLEP 2000. The proposed development is consistent with the objectives of the 4(a) Industrial and 5(a) Special Uses zone.

The following clauses of TLEP 2000 also apply to the proposal.

Clause 28 – This clause relates to development within and adjacent to the 7(l) zone. The actual physical works are not within the 7(l) zone however the development is on land adjacent to the 7(l) zone and therefore Council needs to take into account the following matters in determining the development application.

- (a) the likely effects of the development on the flora and fauna found in the locality; and
- (b) the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and
- (c) a plan of management showing how any adverse effects arising from the development are to be mitigated.

It should be noted that a buffer of approximately 175 metres exists between the extraction area and the 7(l) zone. Given this buffer it is considered that the matters for consideration in clause 28 are satisfactory. Further, consideration of effects on flora and fauna is contained later in this report in Section 79c1(b).

Clause 35 – Acid Sulfate Soils – the land is identified as Class 5 land on the Acid Sulfate Soils Planning Map and further investigation and preparation of a management plan in respect of acid sulfate soils is not required.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 18 of the NCREP 1988 requires that Council shall not consent to a development application for an extractive industry unless it includes any necessary conditions of consent to require implementation both during and after extractive operations of an erosion and sediment control plan and rehabilitation plan.

Conditions will be included in any consent to comply with the requirements of this clause.

Reports from Director Development Services

State Environmental Planning Policies (SEPPs)

No SEPPs are directly applicable to this proposal.

(ii) The Provisions of any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to this proposal.

(iii) Any Development Control Plans (DCPs)

There are no DCPs which apply to this proposal.

(iv) Any matter prescribed by the Regulation

There are no matters which require consideration.

(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

The site comprises a grass and scattered tree covered hill surrounded on all sides by land of lower levels. Surrounding land uses include the Waste Depot to the north and east, an existing quarry to the west, industrial development to the north west and sugar cane growing land to the south. To the east on the opposite side of Wardrop Valley Road is a rural subdivision in which a number of dwellings are located. The nearest residence is located approximately 130m to the east of the nearest working area of the quarry on the opposite side of Wardrop Valley Road. Another dwelling is located approximately 230m to the south east of the nearest point of the quarry and another 3 dwellings are located approximately 500m to the north east. A pistol club is located on the subject land which is proposed to remain.

As shown on Figure 3 the land has an RL of approximately 47 metres at its highest point. It is proposed to excavate the hill in a number of phases. Phase 1 will reduce the hill to a level varying between approximately RL 37m and RL 43m. Phase 2 will reduce the hill to a level varying from between approximately RL 26m and RL 37m. The final level will be a regular shaped landform with levels varying from between RL 15m and RL 20m. This land is propose to eventually accommodate an industrial subdivision. The proposed end use is consistent with the zone objectives.

Visual Impact

The proposal has the potential to affect the visual quality of the area, but this minimised by the nature of the surrounding development and proposed mitigation measures.

The proposed quarrying activities involves the levelling of a small ridge which overlooks the industrial estate to the northwest. The visual impact of the proposal from land to the west will not be significant as the existing Brims quarry largely separates the site from the industrial and residential land to the west. The view of the site from the east incudes the proposed extraction area, exposed earthworks from previous activities on the site and the existing landfill activities. It is proposed to locate a 6m high temporary berm within the quarry site between the extraction area and Wardrop Valley

Reports from Director Development Services

Road and the pistol club. This temporary berm, to be stabilised by turf, is primarily to provide for noise attenuation but will also provide a visual screen from the east, from the direction of the rural subdivision and dwellings.

The view of the site from the south presently is of a small ridge which will essentially be removed. However, the short distance views from the south is primarily from cane fields and therefore the visual impact is considered acceptable.

Overall, the site consists of a small ridge but it is not considered visually significant, particularly due to the adjacent land uses being a quarry and garbage depot. Therefore, the proposal is considered acceptable in terms of likely visual impacts.

Access, Transport and Traffic

The subject site has frontage to Wardrop Valley Road to the east. The road is a two lane sealed carriageway and serves as an access to rural allotments to the east, the garbage depot and the pistol club.

It is proposed to use two access points onto Wardrop Valley Road. It is proposed to create a new access to Wardrop Valley Road south of the Fire Control Building which will be the "primary" haul road which will be used on Monday, Friday and Saturday. A "secondary" haul road is proposed utilising the existing garbage depot site which also intersects with Wardrop Valley Road. It is proposed to use this access on Tuesday, Wednesday and Thursday. Once the extraction reaches Phase 2 an alternative access road through Brims Quarry to Quarry Road will also be available. The purpose of using two access points onto Wardrop Valley Road is to minimise impacts on residents along Wardrop Valley Road adjacent to the site.

The proposal involves a maximum average of 76 truck movements per day to and from the site. The EIS states that there is likely to be a split as follows, depending on location of extraction stockpiles and destination of trucks loaded with extracted materials.

- Wardrop Valley Road northwards, 80% which about half will use the proposed new access point south of the Fire Control Building and about half using the exiting garbage to depot access, hence to the Pacific Highway.
- Wardrop Valley Road southwards, 10%, with approximately 6% using the new access point and 4% using the garbage depot access.
- Quarry Road, 10%, dependant upon maximum capacity in accordance with the consent for the adjacent Brims Quarry.

Council's Traffic and Transport Engineer has reviewed the application and has advised that whilst there is some lack of detail in the EIS in respect of a Traffic Study and plans for intersection upgrading, these issues can be conditioned satisfactorily. Specifically, the following will be required:

- Plans of intersection upgrading
- Sealing of access for 30 metres

Reports from Director Development Services

- Upgrading of Wardrop Valley Road to a Class E standard from the southern access to the urban cross section in the industrial area
- Provision of wheel wash or shake down grids

Noise

The proposed hours of operation are 7.00am to 6.00pm Monday to Friday and 7.00am to 1pm Saturday. Operations will not be carried out on Sundays or public holidays.

The EIS is accompanied by a Noise Impact Statement (NIS) prepared by HK Clarke and Associates Pty Ltd. This NIS predicts the 'worse case' operational noise impact from the site in relation to a proposed extraction rate which is much higher than now proposed. The NIS examines the impact on the closest 3 residences to the site and concludes that *"it is our opinion that no adverse noise impact will result from the operation of this proposed development and that no justifiable complaints relating to noise will be received as a result of the implementation of this proposed development."*

These opinions are expressed on the strict conditions that the development is as specified (with the exception of the Hydraulic Rock Breaker), that all equipment is operated and maintained in accordance with the manufacturers specifications and good engineering practice, and that the recommendation contained herein are implemented."

The NIS indicates further assessment is required prior to the use of the rock breaker and this requirement has been included in the Plan of Management. Councils Environment and Health Services Unit has reviewed the application and advised that the overall assessment appears satisfactory with impacts on adjoining premises being addressed. Additionally, they have advised that attenuation measures appear adequate and practical. The attenuation measures referred to include provision of an acoustic barrier between the noise source and residences and the use of alternative access points.

Conditions to be placed on any consent have been recommended by the Environment and Health Services Unit. The Environment Protection Authorities General Terms of Approval also includes conditions concerning noise verification monitoring.

Soil/Water

The EIS includes details on principles to be employed in the control of sediment on the site, the sizing of the sediment control basin, monitoring following rainfall events and maintenance of controls. The application has been reviewed by Council's Engineering Services Division in this regard and conditions provided in relation to the preparation of Erosion and Sediment Control Plan. As the site requires an Environment Protection Licence from the EPA, the EPA has also provided conditions including the need for a comprehensive Soil and Water Management Plan to be prepared prior to extraction commencing. The EPA has also set a concentration limit for water discharge from the site and monitoring requirements for discharge.

It is proposed to suppress dust by way of water sprays on internal roads and the extraction area. Conditions imposed by the EPA also requires the presence of a water

Reports from Director Development Services

truck on site. A shakedown area will also be required and a condition of any consent will require truck loads to be covered.

Heritage

The EIS includes an archaeological assessment which concludes that “there is no archaeological restraint to the Tweed Shire Council’s proposed plan of extraction, extension of Quarry Road and development of industrial lots.

A precautionary condition of any consent will include a requirement that work cease and the NPWS notified if any artefacts are discovered.

Flora and Fauna

A Flora and Fauna Assessment has been undertaken by ECOS International Consultants. The assessment identified plant communities on the site consisting of regrowth open forest (camphor laurel), regrowth grassy open woodland (camphor laurel – Blackwood) and grassland (exotic species).

The report identifies that all ecological vegetation types were considered to be of poor condition either dominated by or made up of a large proportion of introduced species. No threatened species, populations or ecological communities or rare or regionally significant species were recorded on the site.

Two vulnerable threatened fauna species being the Little-Bent-Wing Bat and Common Bent-Winged Bat were recorded foraging for insects above the study area. However, no roosting or nursery caves exist on or adjacent to the site.

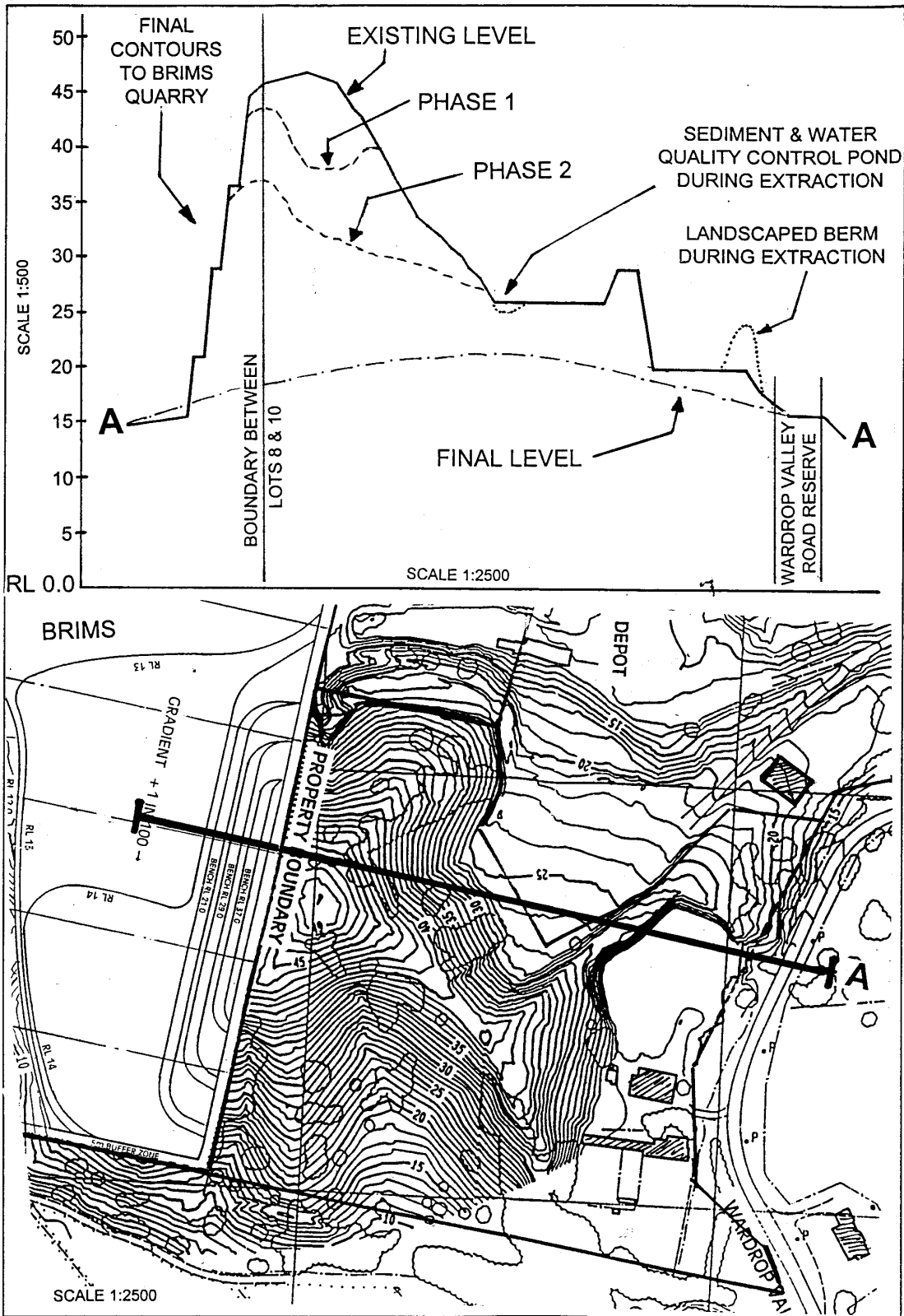
The assessment concludes that the proposal will not have a significant effect on any threatened flora and fauna species and a Species Impact Statement is not required . This conclusion is supported.

Economic Impacts

The proposal will result in positive economic impacts being the provision of an alternative source of quarry material for road construction, and the creation of a landform which is suitable for a future industrial subdivision which is consistent with the zone objectives.

Reports from Director Development Services

FIGURE 3



Reports from Director Development Services

(c) The Suitability of the Site for the Development

Possible impacts as a result of this proposal include visual, noise, traffic and water quality impacts. These impacts can be satisfactorily managed by way of proposed amelioration measures included in the Environmental Management Plan and by recommended conditions of consent.

Therefore, it is considered that the site is suitable for the proposed development.

(d) Any Submission made in accordance with the Act or Regulation

All submission have been discussed in the 'consultation' section of this report. The submissions made by the EPA essentially advises that a Environment Protection Licence will be issued for the activity. However, some of the conditions will alter matters included in the Plan of Management. Therefore, the Plan of Management will need to be amended to reflect the conditions imposed by the EPA and any other conditions of consent.

(e) The Public Interest

The proposal is considered to be satisfactory with respect of the Tweed Shire 2000+ Strategic Plan. The proposal is considered to be in the public interest as impacts can be mitigated and the proposal will result in positive economic impacts.

OPTIONS

Council can either:

1. Refuse the application.
2. Approve the application subject to conditions.
3. Issue a deferred commencement consent, with the deferred matter being the submission of an amended Plan of Management.

There is no valid reason for recommending refusal of the application.

CONCLUSION

As indicated by the preceding assessment the application has been reviewed by various government departments and internal Council Divisions. No objections to the proposal have been received and issues can be adequately dealt with by conditions of consent.

The proposal is a "Scheduled Premises" under the Protection of the Environment Operations Act and therefore requires an Environmental Protection Licence from the EPA. The EPA has advised that it is able to issue a licence subject to a number of conditions. The General Terms of Approval have been provided and are required to be included in conditions of consent. As a result of some of the recommended conditions the Plan of Management will need to be altered. This should be done prior to the consent becoming operational (ie. a deferred commencement consent).

Having regard to the above assessment it is considered that the proposal is suitable for a deferred commencement consent to be issued.

Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

3. ORIGIN: Director

FILE REF: Airport – Runway Extensions

REPORT TITLE:

Coolangatta Airport Draft Master Plan

SUMMARY OF REPORT:

In responding to the Council resolution of 24 May 2000 - to request the Federal Minister for Transport and Regional Services to defer consideration of the Coolangatta Airport Draft Master Plan for a further 6 months, the Honourable John Anderson MP required resubmission of the draft Plan by the 4th September 2000 and sought for Gold Coast Airports Ltd and this Council to resolve differences. GCAL placed a fresh Master Plan on public exhibition from 10 to 28 July, 2000. This has led to extensive expression of community concern and objection. The Commonwealth Minister is placing high emphasis on the position of Council on the draft Master Plans and particularly on addressing the key issue of proposed runway extension into Crown Land (Lot 319). The fresh Master Plan embodies revised landing arrangements which operationally require a runway length of 2610 metres and a "land take" of 7.4ha out of the 31.47ha total of Lot 319. GCAL assert the Master Plan as predominantly a means of "protecting options". However, Ministerial endorsement would presumably provide a solid platform for GCAL expectations for future development and investment decision making as well as commitment into a substantial investment to the preparation of environmental impact statements for a Major Development Proposal for the runway extension. Given these factors, and the extensive community concern, the proposed runway extension is not considered to be adequately underpinned by extensive and sound research into environmental impact and ameliorative measures.

(Full copies of the draft Master Plan, January 1999; Addendum to the draft Master Plan, May 1999 and Attachment A on public consultation are available through the Mayors Secretary for perusal in the Councillors room and through the Secretary to the Director of Development Services – and will also be made available in the Council Chambers from 8am on 16 August 2000).

RECOMMENDATION:

That:-

- A. Council states its non-acceptance of the Fresh Master Plan for Coolangatta Airport to the Deputy Prime Minister and Minister for Transport and Regional Services, the Honourable John Anderson MP because of:-
 - i. the crucial importance of an approved Master Plan for investment decision making and expectations for Gold Coast Airports Ltd (GCAL) and property owners and users in the vicinity of the airport and that approval has to be on a well substantiated basis;
 - ii. the strong Tweed community objection, loss of public land and open space and loss of areas of environmental significance due to the proposed runway extension and the inadequacy of analyses of the public and environmental costs and benefits associated with the proposed extension;

Reports from Director Development Services

- iii. acknowledging that the above position – if agreed by the Federal Minister of Transport and Regional Services – will lead to another refusal of the Fresh Master Plan but still enables the resubmission of another draft Master Plan based upon directions proposed by Council in Part B below.

- B. Council advises the Deputy Prime Minister and Federal Minister for Transport and Regional Services and Gold Coast Airports Ltd that, given the desired outcome of safeguarding the economic viability and profitability of Coolangatta Airport and the potential economic benefits to Tweed Shire of enabling the proposed runway extension, Council will reconsider the proposed runway extension if the following issues are adequately addressed:
 - a. more detailed analysis of the impact of the proposed runway extension on SEPP14 Wetland and any impact is compensated for a commitment by GCAL to acquire other appropriate land and propagate appropriate vegetation;
 - b. an analysis appropriate to the Master Plan stage of potential impacts on ground water and acid sulfate soils;
 - c. that there is demonstrated commitment by GCAL to acquire land for transfer to public ownership in the closest possible proximity to the airport for public passive and active recreational use with a land area at least equivalent to that of Lot 319 which is taken up/sterilised by the proposed runway extension;
 - d. there is a sound planning basis to ensure that retail and commercial development on the airport land does not lead to adverse economic impact on retail and commercial development in Tweed Heads centre and therefore is consistent with the Tweed Shire 2000+ Strategic Plan and Tweed Heads 2000+ Strategic Plan, Tweed Local Environmental Plan 2000 and Tweed Heads Development Control Plan No. 18 in this regard.

Reports from Director Development Services

REPORT:

INTRODUCTION

On 24 May 2000, Council resolved:-

“To request the Minister for Transport Mr Anderson to defer consideration of the Gold Coast Airports Ltd Master Plan for Coolangatta Airport for a further 6 months to allow all required processes under the Airports Act, 1996 to be fully and adequately addressed and this to include 4 months public exhibition of the Plan and extensive public consultation”.

The Honourable John Anderson MP, Deputy Minister and Commonwealth Minister for Transport and Regional Services replied (letter of 8 June 2000 – Annexure 1) to grant an additional extension of time to submit a fresh Master Plan for Coolangatta Airport by 4 September 2000 – leaving it open to Gold Coast Airports Ltd (GCAL) to undertake further public consultation and to assimilate public comments into the fresh Master Plan. The Minister also stated his indication to GCAL that if it wishes to retain the current concept for the runway precinct outlined in the draft Master Plan, it is important for GCAL and the Council to settle a planning policy framework that protects the option to extend the runway into Lot 319 (should it be contemplated) and if this is not possible - the fresh Master Plan needs to recognise this.

Council accepted the invitation by the Minister for officers from his Department to brief Council on the Commonwealth Legislative Framework for Land Planning at Coolangatta Airport and Messrs John Elliott and Kim Foster attended the Workshop for stakeholders on 1 August 2000.

GCAL placed the fresh Master Plan on public exhibition from 10 to 28 July 2000. With a supporting letter from the General Manager, GCAL sought an extension of time from the Commonwealth Minister for resubmission of the Master Plan. This was not forthcoming before the expiration of the exhibition period and hence, all relevant documentation has been submitted to Council by GCAL and therefore Council needs to establish its position for communication to the Commonwealth Minister.

LEGISLATIVE CONTEXT

The draft and “fresh” Airport Master Plans have been prepared and submitted under the Commonwealth Airports Act – the most relevant contents of which are:

- The Minister has 90 days to make a decision on the resubmitted draft Master Plan;
- The Minister may:
 - a. approve the Plan; or
 - b. refuse to approve the Plan.

If the Minister refuses to approve the Plan, the Minister may by written notice given to the Company direct the Company to give the Minister a fresh draft Master Plan within 180 days after the day on which the Direction was given, or if the Minister by written notice given to the Company allows a longer period.

- A draft or final Master Plan must relate to a period of 20 years – called the **Planning Period**. A final Master Plan remains in force for 5 years however, if at the end of that 5

Reports from Director Development Services

years a fresh final Master Plan does not come into force the original Plan remains in force until a fresh Plan replaces that previous plan.

- A draft or final Master Plan must specify development objectives for the airport; assessment of future needs of civil aviation users of the airport; proposals for land use and related development of the airport site; forecasts relating to noise exposure levels; **assessment of environmental issues that might reasonably be expected to be associated with the implementation of the Plan**; and the Company's plans for dealing with those environmental issues.

The proposed runway extension on Lot 319 Crown land would be determined by the Council under the State Environmental Planning and Assessment Act. Lot 319 is zoned 6(a) Public Open Space and 7(a) Environmental Protection (Wetlands) as shown on the map which is Annexure 2. GCAL assert that the runway extension is a "public utility undertaking" in terms of the definitions in Tweed Local Environmental Plan 2000 (TLEP 2000) and therefore is permissible in the 6(a) and 7(a) zones – that definition of "public utility undertaking" being:-

"any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any government department or under the authority of or in pursuance of any Commonwealth or State Act:

- a. railway, road transport, water transport, air transport, wharf or river undertakings;*
- b. undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services;*
- c. undertakings for the provision of telecommunications infrastructure.*

A reference to a person carrying on a public utility undertaking is to be construed as including a reference to a council, county council, government department, corporation, licensed telecommunications carrier, firm or authority carrying on the undertaking."

Whilst a runway extension could be interpreted as a "public utility undertaking" as defined above, the proposal crucially has to be related to the objectives of the two zones which are as follows:-

6(a) Public Open Space

Primary objective

- *to identify existing public land, and land that is proposed to be acquired for public ownership, to satisfy the open space and recreational needs of local residents and visitors to the area of Tweed and to enable its development to encourage or assist their recreational use and enjoyment of the land.*

Secondary objective

- *to allow other development that is compatible with the recreational use of the land."*

Reports from Director Development Services

7(a) Environmental Protection (Wetlands and Littoral Rainforests)

Primary objectives

- *to identify, protect and conserve significant wetlands and littoral rainforests.*
- *to prohibit development which could destroy or damage a wetland or littoral rainforest ecosystem.*

Secondary objectives

- *to protect the scenic values of wetlands and littoral rainforests.*
- *to allow other development that is compatible with the primary function of the zone.” (it also should be noted that public utility undertakings in this 7(a) zone require satisfaction of the provisions of clause 8(2) of the TLEP 2000)*

It is concluded that a runway extension proposal is inconsistent with the primary objectives of both the 6(a) and 7(a) zones and therefore would lead to a recommendation for refusal under TLEP 2000 clause 8.1 – which requires Council to be satisfied that development is consistent with the primary objective of a zone and has considered other aims and objectives of this Plan which are relevant to the development and that the development will not have an unacceptable cumulative impact.

GCAL have made statements in the fresh Master Plan and at the workshop on 1 August 2000 to the effect that TLEP 2000 planning provisions are based upon a 2900m runway. There is however, no direct and explicit endorsement of the 2900m runway in TLEP or the Tweed Shire 2000+ Strategic Plan. TLEP 2000 requires (Clause 33 page 71) Council, in deciding whether to grant consent to development in the vicinity of Coolangatta and Murwillumbah airports, to consider any current obstacle limitation services plan and states objectives and provisions in relation to the ANEF 25+ - 2010 in Clause 32 page 70. Whilst the ANEF 25+ 2010 and Obstacle Limitation Services Plan and Procedures Plan are related to the technical assessments based on the 2900m runway, it in no way embodies an endorsement from Council for runway extension to 2900m (copies of clauses 32 and 33 of TLEP 2000 are Annexure 3).

The Tweed Shire 2000+ Strategic Plan (Policy 66) states that:-

“Council will support the long term operation of Coolangatta Airport because of its economic, transport, employment and tourism benefits to the Tweed, however, Council will require detailed justification from the Federal Airports Corporation before supporting the proposed runway extensions.”

(It is assumed that the same requirement for detailed justification would extend to the subsequently lessees: GCAL).

CHANGES TO THE DRAFT MASTER PLAN

In response to the 1999 public display of the draft Master Plan and subsequent non acceptance by Council and the Federal Minister, GCAL have proposed a number of changes to the draft Master Plan – contained in the “Fresh Master Plan” July 2000 – the key changes being:-

- adoption of the agreed corridor for the Pacific Highway (Tugun Bypass), the Gold Coast Railway and the Rail/Road underpass of the runway.

Reports from Director Development Services

- A 76% reduction in the proposed southern expansion over Lot 319 of 31.47ha to 7.8ha
- Deletion of the proposed 23.64ha terminal precinct expansion area to the east and south of the existing airport boundary
- Deletion of the proposed 7.6ha western enterprise precinct expansion area
- Retention of the landing threshold at the existing location for aircraft landing from the south for both the 2500m and 2700m runway options.
- Revision of the preferred runway concept to achieve the required aircraft performance with a more compact configuration
- Adoption of the regulatory night curfew restrictions on jet aircraft operations
- A number of minor changes to the layout of the terminal precinct to reflect outcomes of detailed planning of this area

The revised Fresh Master Plan is Annexure 4 to this report.

KEY ISSUES

The key issues for Council are:-

1. Airport Viability and the Proposed Runway Extension

- Supporting the economic viability/profitability of Coolangatta Airport operations and enabling expansion of operations which will facilitate or increased aircraft traffic – particularly international flights and pay loads which will benefit Tweed industry eg. Agricultural produce and tourism industries – and this focuses upon the proposed runway extension.

2. Loss of Public Land and Environment Values

- The potential loss of public land of environmental significance: wetlands and vegetation.
- The loss of public land with existing recreational use (Tweed Heads Pony Club) and for other potential public recreation.
- The loss of public land which will further reduce residential amenity in the Kennedy Drive area and also reduce the visual buffer between the current runway and the residential areas to the south.

3. Adequate Community Consultation

The adequacy of time and information for consultation with the Tweed Community to take a properly informed and reasoned position to put to the Federal Minister.

ECONOMIC VIABILITY/PROFITABILITY OF AIRPORT OPERATIONS

GCAL submit that existing runway configuration places operational constraints on current and new generation aircraft resulting in significant payload limitations – limiting the number of passengers and the amount of cargo that can be carried to longer hauled domestic and international

Reports from Director Development Services

destinations. In undertaking of a further technical assessment, GCAL has concluded that for aircraft landing from the south that it is possible to retain the land in threshold at the existing location, ie. at 2042m rather than 2200m proposed in the original draft Master Plan for the 2500 and 2700m concepts. Civil Aviation safety authority has also raised the issue of non compliance or current obstacle limitation services at Coolangatta Airport with international standards xxxx aircraft currently using the airport any withdrawal of the current dispensation which lapses in 2003 will necessitate correction of the current OLS or possible loss of operation the 767 class aircraft. One option for the correction of the OLS non compliance is a displacement of the northern landing threshold and a consequential southern extension of the runway. More detailed analysis of the runway by GCAL has concluded that takeoff lengths to the north is a limiting factor and the fresh Master Plan adjusts runway options to allow for a runway length of 2700m for runway 32 (northwards) and 2610m for runway 14 (southwards) for takeoffs.

It is concluded therefore that the proposed runway extension will not lead to aircraft landing or taking off closer to Tweed residential areas than currently and that the historical noise assessments have sustained validity. This is also based upon the presentation of revised and detailed noise assessments to Council in December 1999 which concluded that there is no difference in noise impact for different runways of 2500 and 2700m over Tweed residential areas. GCAL submit that the position would be enhanced further if the existing 2042m southern landing threshold is retained in the event of future developments rather than the 2200m proposed in the original draft. This is accepted as a GCAL proposal which sustains the projected noise impact analyses for Tweed residential areas whilst still enabling expansion of aircraft operations for longer haul domestic and international travel.

Economic Benefits

The National Centre for Tourism way commissioned by GCAL to prepare an economic impact study. The major economic benefits to the local community arising from visitors using Coolangatta Airport are summarised for Tweed as being:-

- Jobs created in the Tweed region will represent 4% of employed persons in the Shire;
- Airport arrivals will make it the second most popular mode of transport for visitors travelling to northern NSW;
- The airport generated 317,100 visitor nights for the Tweed Heads area in 1998/1999 with \$14.8M expenditure;
- Full time employment as the result of airport operations are projected to grow in the Shire from 328 in 1998/1999 to 1166 in 2016/2017.
- Total region expenditure from visitors using Coolangatta Airport was estimated to \$822M;
- Economic value added: \$346M;
- Direct and indirect salaries and wages: \$203M;
- Direct and indirect employment: 7918 jobs and State and Federal tax payments: \$203M

Reports from Director Development Services

The major potential for Tweed tourism industry development at South Kingscliff and other locations and for export of specialised agricultural produce in the Tweed make the facilitation of international long call from the Coolangatta Airport an important benefit.

LOSS OF PUBLIC LAND AND ENVIRONMENTAL VALUES

The proposed runway extension affects a SEPP14 wetland. Whilst there is no currently discernable loss of vegetation of significance that superficial judgment is not substantiated in the draft/fresh Master Plan. The open space/visual buffer of which Lot 319 provides to residential areas to the south and south east is of real significance – real or perceived – in terms of property values, amenity to existing residents and to prospective purchasers/investors.

It is not clear at this stage whether the 7.4ha runway extension “land take” out of the total of 34.5ha would lead to the discontinuation of the Tweed Heads Pony Club which has leased this land for 25 years. It could however, lead to the loss of other potential recreational uses of the land which is in high demand and short supply of this sector of the Shire. At the workshop on 1 August 2000, Tim Rabbidge Resources Manager from Department of Land and Water Conservation (DLWC) advised in summary as follows:-

- DLWC is the owner of Lot 319 as the State Natural Resource Manager with Tweed Shire Council as the Trust Manager with care, control and management responsibilities;
- Cobaki Broadwater is already highly stressed and the Northern Rivers Regional Management Committee is seeking a planning process over catchments including Cobaki Broadwater. Related issues were raised of groundwater and acid sulfate soils impacts;
- Part of the Reserve would have to be revoked to enable the runway extension – that part of the Reserve becoming a vacant Crown land with a subsequent land assessment to determine its future use which may or may not be supportive of a runway extension. Compulsory acquisition of the land could be activated;
- A Native Title Claim exists still over the land by the Kombumerri people and although DLWC have concluded extinguishment of the Kombumerri claim, this is yet to be formally concluded through the Federal Court;
- GCAL could seek to establish a licence for investigation of the proposed land use for runway extension;
- RTA are being asked to compulsorily acquire that corridor required for the Tugun Bypass connection to the Tweed Heads Bypass within Lot 319.

The loss of such public land with high potential environmental values is a significant public disbenefit. It is submitted that research needs to demonstrate the acceptability of the runway extension in terms of groundwater impacts, potential impacts on Cobaki Broadwater, SEPP14 wetland, acid sulfate soils and the potential impacts on bird roosts and other fauna habitat. These environmental issues are not satisfactorily addressed in the draft/fresh Master Plan.

The fresh Master Plan proposes no land acquisition for the western enterprise precinct expansion area whereas the draft Master Plan originally proposed the acquisition of 7.6ha of NSW Crown land.

Reports from Director Development Services

In the original draft Master Plan (January 1999) GCAL asserted that *“the draft master plan has considered environmental issues associated with the development proposals which in general provides the incremental extension to various facilities and services..... Growth in activity levels is most likely to generate increases in air emissions, waste resource use etc. These issues are addressed in the associated draft environment strategy that covers environmental issues in respect of current airport operations.... The field investigations and surveys have identified areas of important remnant vegetation and Aboriginal heritage adjacent to Cobaki Broadwater and to the west and south west of the existing runway system”*. Both the original draft and draft Master Plan (January 1999) and the fresh Master Plan (July 2000) proposed the creation of the “Cobaki Environmental Precinct” of 106ha – which incorporates the National Estate area of 9.99ha.

NOISE IMPLICATIONS OF THE PROPOSED RUNWAY EXTENSIONS

Previous assessments, documented in detailed in GCAL’s reports, demonstrate that there is no difference in noise impact for different runways between runway concepts of 2500 and 2700m for flights over residential areas. The position will be enhanced further if the existing 2042m southern threshold is retained in the event of future developments – as is now proposed in the Fresh Master Plan. The ANEF and ANEC assessments are concluded to remain the same.

ADEQUACY OF COMMUNITY CONSULTATION

Councils clear position of 24 May 2000 was that a further 6 months should be provided for adequate community consultation. It is considered that there are also significant gaps in adequacy of information to support the proposed runway extension given the strong Tweed community reaction and that the endorsement of a Master Plan containing the proposed runway extension will undoubtedly lead to investment expectations and commitments by GCAL for a major development proposal for the extension which in turn, it is anticipated would lead to even stronger community opposition. It is considered highly preferable to enhance the information and analysis and public costs and benefits of the proposed runway extension in the near future.

OPTIONS

The main options for Council are:-

1. To adopt the recommendation and convey further non-acceptance of the Fresh Master Plan to the Federal Minister but give some further directions to GCAL as to how the runway extension and related economic benefits to the airport and the Tweed could be achieved.
2. Make no direct determination – “receive and note this report” and leave the issue for direct determination by the Federal Minister for Transport and Regional Services.
3. Endorse and express support for the Fresh Master Plan of July 2000 and convey this position to the Federal Minister.
4. Resolve to reject the Fresh Master Plan and recommend strongly to the Minister that the Fresh Master Plan also be refused.

CONCLUSION

The desired outcomes of the Master Plan are:

Reports from Director Development Services

- Safeguarding the economic viability and profitability of airport operations and the facilitation of increased domestic and international long haul flights and payloads which will potentially have significant benefits for Tweed industries – notably agriculture and tourism;
- No net loss of land of environmental significance;
- No net loss of public land for existing and potential recreation and the retention of a strong regional buffer between the runway extension and Tweed residential areas – including acceptable reconfiguration or alternative location for the Tweed Heads Pony Club;
- No net additional impact on aircraft noise on Tweed residential areas in proximity;
- The management of retail and commercial development on the airport property which does not adversely impact on retail and commercial viability in the Tweed Heads centre.

GCAL have substantially modified the proposals in the Fresh Master Plan of July 2000. All of the documentation comprising the draft Master Plan of January 1999, the related draft Environmental Strategy, the Addendum to the draft Master Plan of 1999 and the Fresh Master Plan is still considered to be inadequate to substantiate the environmental and public costs and benefits of the proposed runway extension. Adequacy of such analysis is considered crucial to respond to the very strong Tweed community opposition to the runway extension and also to give a solid basis to GCAL and the Federal Minister for further investment expectations, planning commitment towards runway extension and the preparation of the environmental impact statement to support the major development proposal process required under the Commonwealth Airports Act. **The most valid approach to endeavour to achieve the above desired outcomes therefore is considered to be that contained in the recommendation.**

ADDITIONAL INFORMATION

The draft Master Plan of January 1999, addendum to the draft Master Plan of May 1999, Fresh Master Plan of July 2000 and Attachment A on public consultation will be available through the Mayors Secretary and the Secretary to the Director of Development Services from 11 August 2000 to 16 August 2000 – and on the 16th August 2000 it will also be available within the Council Chambers from 8am.

ANNEXURES

- Annexure 1 - Letter from Federal Minister for Transport and Regional Services – the Honourable John Anderson MP (8 June 2000)
- Annexure 2 - Map from Tweed LEP 2000 for Lot 319
- Annexure 3 - Clause 32 and 33 of Tweed LEP 2000
- Annexure 4 - The Fresh Master Plan Map
- Annexure 5 - GCAL submission
- Annexure 6 - Submission by Tweed Heads Pony Club representative at Workshop on 1 August 2000

Reports from Director Development Services

4. ORIGIN: Strategic Town Planning Unit

FILE REF: DA4030/2200 Pt1

REPORT TITLE:

Tweed Local Environmental Plan 2000, Proposed Amendment - Boating Facilities, Lot 121, DP 755701, Chinderah

SUMMARY OF REPORT:

At the Council Meeting held on 19 July, 2000 Council resolved to prepare a draft LEP Amendment for Lot 121, DP 755701, Chinderah. This involved one of three major rezoning proponents which were to provide combined funding for a Contract Planner. The proponent has advised Council that, following the DAP meeting on 2 August 2000, it is not the intention to finance the rezoning of Lot 121.

The proposed development (ie, boating facilities) is permissible subject to the provisions of Clause 8(2) of the LEP. The proponent has discussed this approach with the Development Assessment Panel (DAP) concluded that the criteria in Clause 8(2) are not satisfied insofar as the 2(a) zone is concerned.

It was understood that the proponent would pursue a development application and draft LEP simultaneously. As this is no longer the case, and in view of the extensive Strategic Planning Work Program, should be withdrawn.

RECOMMENDATION:

That Council informs the Regional Director of the Department of Urban Affairs and Planning that it no longer intends to continue with the proposed LEP Amendment for Lot 121, DP 755701.

Reports from Director Development Services

REPORT:

At the Council Meeting held on 19 July, 2000 Council resolved to prepare a draft LEP Amendment for Lot 121, DP 755701, Chinderah. This was one of three major rezoning proponents which was to jointly fund a Contract Planner to supervise the process. The following letter has been received from the Solicitor of the proponent of this project.

“Further to a meeting which you had with Mr Patrick Harford and others in July 2000 we are instructed to advise that, following the DAP meeting on 2 August 2000, it is not our clients intention to finance the rezoning of Lot 121.

Our client will now lodge a Development Application seeking development approval for a Boat Stack on Lot 121 as now zoned ie 2(a) Low Density Residential.

We thank you sincerely for the assistance in this matter generally”.

The proposed development (ie, boating facilities) is permissible subject to the provisions of Clause 8(2) of the LEP. This sets out the following consent considerations.

“(1) The consent authority may grant consent to development specified in Item 3 of the Table to clause 11 only if the applicant demonstrates to the satisfaction of the consent authority that:

- (a) the development is necessary for any one of the following reasons:*
 - (i) it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,*
 - (ii) it meets an identified urgent community need,*
 - (iii) it comprises a major employment generator, and*
- (b) there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and*
- (c) the development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and*
- (d) the development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located”.*

The proponent has discussed this approach with DAP which has concluded that:

“It is open to the proponent to lodge a Development Application and any such application would be considered on its merits, having particular regard to the above issues, however the Panel considers that the criteria in Clause 8(2) are not satisfied insofar as the 2(a) zone is concerned”.

Reports from Director Development Services

It was understood that the proponent would pursue a development application and LEP simultaneously. As this is no longer the case, and in view of the extensive nature of the Strategic Planning Work Program, it is considered appropriate to withdraw this particular Amendment.

Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

5. ORIGIN: Strategic Town Planning Unit

FILE REF: DA2040/210 Pt1

REPORT TITLE:

Proposed Rezoning for Lot 6, DP 619717, Fernvale Road and Lot 31, DP 133404 and Lot 2, DP 591194, Wardrop Valley Road

SUMMARY OF REPORT:

The recently completed "Industrial Land Investigation" has identified the urgent need for zoned and serviced industrial land. The Industrial Land Working Group (ILWG) is currently examining a number of options for meeting that need. A proposal has also been made for the rezoning of a property at Fernvale for industrial purposes, which adjoins Council's Wardrop Valley property. The ILWG has concluded that there is considerable merit in the proposal, which should be addressed as a matter of priority.

This report:

- Examines that merit;
- Identifies whether the preparation of a draft LEP Amendment is justified;
- Considers if that draft LEP should include Council's Wardrop Valley property.

RECOMMENDATION:

That Council informs the Regional Director of the Department of Urban Affairs and Planning pursuant to Section 54 of the Environmental Planning and Assessment Act that it intends to prepare a comprehensive planning strategy, draft Local Environmental Plan Amendment, and any other associated planning documentation for Lot 6, DP 619717, Fernvale Road, Lot 31, DP 133404 and Lot 2, DP 591194 to rezone the properties for industrial purposes, and advises that in the opinion of Council, a Local Environmental Study is not required.

Reports from Director Development Services

REPORT:

The recently completed "Industrial Land Investigation" has identified the urgent need for zoned and serviced industrial land. The Industrial Land Working Group (ILWG) is currently examining a number of options for meeting that need. A proposal has also been made for the rezoning of a property at Fernvale for industrial purposes (Lot 6, DP 619717), which adjoins Council's Wardrop Valley property. A formal substantiated rezoning proposal is awaited. The ILWG has concluded that there is considerable merit in the proposal, which should be addressed as a matter of priority.

This report:

- Examines that merit;
- Identifies whether the preparation of a draft LEP Amendment is justified;
- Considers if that draft LEP should include Council's Wardrop Valley property.

North Coast Regional Environmental Plan (NCREP) Requirements

Before preparing a draft local environmental plan relating to commercial or industrial development, the NCREP requires that council should ensure:

- there is an adequate supply of zoned industrial land located where it is physically capable of development for industrial purposes, is not environmentally fragile and can be serviced at a reasonable cost.

1. LOT 6, DP 619717 (FIGURE 1)

Description of Site:

The site is formed into a valley with two ridge lines effectively isolating the property from Murwillumbah and the existing industrial area. The valley floor is flat, low lying land currently being used for grazing purposes. The watercourses are cleared of trees effectively forming gully drains. The site is mostly cleared with native vegetation occurring in the south western slopes adjoining the highway.

The proposal to date consists of considerable earthworks to produce flat land suitable for industrial purposes. The subject land is 126ha and preliminary design work has indicated a yield between 70ha and 90ha of flat serviced developable land.

Access is proposed from the Pacific Highway, and investigations reveal that access to Council's water and sewerage is possible but reasonably costly.

This exercise, however, is not to assess the merits of the development proposal, but to assess the capacity and suitability of the land for the proposed purposes.

Environmental Issues

On a review of all the environmental factors affecting the site for a Draft LEP to be carried out no absolute constraining factors have been discovered. The environmental factors affecting the site can be remediated. The key factors are:

Reports from Director Development Services

- Possible flooding in the lower portions of the site;
- Acid sulphate in the lower portions of the site;
- Possible contamination from previous land uses (most likely horticultural activities);
- Stormwater and drainage;
- Protected lands (18° + slopes).

These key environmental factors do not impose any considerable impediments for Industrial 4(a). However the portion of the site listed as protected lands will cause concerns for any LEP Amendment due to the legislative restrictions on that portion of the site through the Native Vegetation Conservation Act. It is unlikely that any construction on slopes 18° + would prove viable.

The landscape of the site lends itself to visual buffering from both the highway and any urban areas. Most of the vegetation has been cleared for grazing purposes.

Visual Impact

The topography generally conceals the site from the surrounding area and the highway. Use of the wooded lands located on 18° +slopes to the south west of the site will assist in this buffering. These areas are of extreme gradient and would prove difficult to develop and are also protected under the Native Vegetation Conservation Act.

The proposed reformation of the site will considerably alter the natural features of the southern end of Wardrop Valley. There is a likelihood that this may open the visual aspects of the southern end of the valley to the proposed industrial area. This is relevant considering that the surrounding area has been Proposed for rural residential. This ultimately may put pressure on any industrial operations within this area of the Valley.

State Protected Land

There is a portion of the site located to the southwest that is covered under the Native Vegetation Act. These areas are gazetted under the act as Category A, which is land generally in excess of 18° + slope.

Initial discussions with the Department of Land and Water Conservation (DLWC) has identified that the gazetted land under the Native Vegetation Conservation Act is prevented from uncontrolled clearing of trees. These discussions have identified that it may be prudent to maintain all lands gazetted as Protected as zone Rural 1(a). However, further discussions with the landowners will need to be carried out to determine their intentions for these areas. These areas do offer an opportunity to provide good buffering for the site.

Due to the nature of these areas, there is risk associated with bushfire and mass land movement. These issues will need to be given further consideration.

Flora and Fauna

Investigations identify that there has been no fauna studies conducted on the subject site.

Reports from Director Development Services

The Vegetation Management Plan identifies that there are several isolated communities of vegetation predominately located on the steeper slopes towards the south west adjoining the Highway.

A small portion of the area is defined as a Core Ecological Area Type 2 under the Tweed Vegetation Management Plan. This area is located in the western high area mostly included in the 18° +slopes classified as Protected Lands.

Noise

Assessment carried out with a previous DA made the following observations on noise associated with the Golf Club activities.

- There are scattered houses in the locality most of these are within the acoustic sphere of influence.
- Currently the Pacific Highway produces the most intrusive noise levels within the area.

Flooding and Drainage

Blacks Drain Swamp Drainage Union is the union responsible for the drainage of water from the subject property. Part of the DA consent required the proponents to prepare a Catchment Management Plan for the specific development.

Advice provided from Brown and Pluthero in the DA indicated that backup flooding from Tweed River could be likely to cause inundation to a level of between 6.5 to 7.0.

Acid Sulphate Soils

Preliminary assessment of potential acid sulphate clays was conducted through the DA process. There were considerable variations in the concentrations identified in the sampling. These areas are identified in the Acid Sulphate Soils maps and will require further investigation through the Draft LEP process.

Contaminated Lands

There is a history of banana cropping within the area. A soil contamination history of the site must be identified through a land use history of the site.

2. LOT 2, DP 591194 AND LOT 31, DP 133404 (FIGURE 1) (COUNCIL'S WARDROP VALLEY LAND)

Council's land holding at Wardrop Valley consists of a western aspect of a ridge which follows Wardrop Valley Road. The land falls sharply to poorly drained gully flats. These flats have a high probability of acid sulphate soils, and are highly susceptible to flooding. The land is almost fully cleared for grazing and it adjoins an active sugar cane farm.

Currently Lot 2, DP 591194 is zoned Industrial (2,232m²), contains a residence and is in private ownership. In any consideration of a draft LEP Amendment of Lot 31, DP 133404 will need to consider this parcel of land.

Reports from Director Development Services

Lot 31, DP 133404 is currently zoned:

4(a) Industrial 38.3ha

1(a) Rural 81.4ha

and is currently owned by Council in fee simple and is classified as operational land.

ENVIRONMENTAL ASPECTS

Vegetation

The topography of the site consists of 80 Ha of low spur ridges ranging from 20 to 30 meters in elevation. The site has been previously cleared for grazing. There are small patches of vegetation which will require further investigation in the Draft LEP process.

Fauna

No formal fauna studies have been conducted on the site.

Contaminated Land

The site does not contain any known cattle dip sites and does not encroach within any cattle dip site 100 meter buffer zones.

The Murwillumbah Garbage Tip is located 250 meters to the north of the. The tip is currently operational and has an anticipated life of 10 years.

Any soil contamination of the site must be identified through a land use history of the site.

Quarries

The site is within 500 meters of Brim's Quarry. It is anticipated that this resource will last between 5 to 10 years with longer-term intentions for an industrial land subdivision. This site is currently zoned 4(a) industrial.

Additionally there is a current application by Council's Engineering Division over Lot 10 DP258122 opposite Council's refuse tip. This quarry, if approved, is expected to last for approximately 6 years. This proposed quarry will be located directly behind the Brim's Quarry where in conjunction the two quarries will remove the majority of the hill located on the two lots. This process will yield approximately 8 hectares of developable, flood free 4(a) Industrial zoned land within 10 years.

Aircraft Noise

The parcel of land is located just over 1km from the Murwillumbah airstrip.

Cultural Heritage

EIS studies conducted for both quarry applications to the north have identified that there are no significant cultural heritage sites on either parcel of land for either pre or post European settlement. There are no aboriginal land claims over either of the sites. From these observations it is reasonable to assume that there would not be any cultural significance attributed to lot 31.

Reports from Director Development Services

Flooding and Drainage

This site contains poorly drained, heavy workable gully flats. The 1:100 year flood event is projected to 6.1m. Therefore floodwater would be expected to reach 2.5m deep. The low-lying land does not have a high level of flood storage. Springs and soaks are common.

State Protected Land

There is a portion of the site located to the southwest that is covered under the Native Vegetation Act. These areas are gazetted under the Act as Category A, which is land generally in excess of 18° + slope.

Prime Agricultural Land

The site contains a combination of Classes 4 and 5 agricultural land as classified by the Department of Agriculture. However, it adjoins properties with Class 3 canegrowing land.

Geo-technical

The soils are strongly acid on the flats. Some slopes show signs of mass movement. The clay deposits at the south (rural zoned) end of the property are understood to be inferior quality as a brick making resource.

Lot 31, DP 133404 suffers extreme topography over some of the site. A broad spur ridge in the northern section of the 4(a) Industrial Zone is the only elevated land suitable for development. Only approximately 9Ha is available. A further 2 Ha of flats to the north and south of this ridge appear suitable for filling for industrial subdivision. Owners of industrial land have been attracted to the Murwillumbah Industrial area generally because of the lifestyle opportunities and the relatively cheap land.

The suitable land use for this parcel of land will be dependent on the outcomes of a review of industrial uses for Lot 6, DP 619717, Fernvale Road.

3. INFRASTRUCTURE REQUIREMENTS FOR DEVELOPMENT OF ALL SITES

The North Coast Regional Environmental Plan (NCREP) identifies that there should be an adequate supply of zoned land located where it can be serviced at reasonable cost.

The proponents have stated in their rezoning application that a preliminary financial assessment has been conducted and they have identified the proposal as economically viable.

The cost of providing infrastructure will prove the most significant issue to the development of both sites. Current estimates for the provision of services to both sites are:

Roads

Pacific Highway Intersection Only	\$300,000
Wardrop Valley Rd to Hwy Connection (Including Pacific Hwy Intersection)	\$1,000,000

Reports from Director Development Services

Sewerage	\$1,000,000 +
Water Connection	\$500,000

Note: These estimates should not be considered final estimates. Their purpose is to give a guide to the possible infrastructure costings to the sites. All estimates identifying distance of infrastructure rollout do not take into consideration of contours or difficult geological conditions. Final estimates will need to be sought.

Water Supply

Currently the most suitable connection to Lot 6, DP 619717 would be from the reservoir located at Wardrop Valley Road. It may be suitable for a 150mm service to Lot 6, DP 619717 through Council's owned land boosted by a storage reservoir located on the higher areas of the site. Other alternative connection methods may be possible and need further investigation. Lot 31, DP 133404 is readily serviced via Wardrop Valley Road, but would need upgrading to 150mm supply.

Sewerage

Council's Engineering Services Division is currently conducting investigations into Murwillumbah's sewerage infrastructure. The recent upgrade of the Murwillumbah Sewerage Treatment Plant has increased the equivalent Tenements by approximately 3000. Initial assessments have indicated that the sewerage plant upgrade has capacity to cover a large scale industrial development. However the current reticulation system, which services the existing industrial area would not be able to cope with large-scale release of industrial land. Further it is difficult to determine what demands industrial areas will place on the sewerage infrastructure system until specific development applications are received.

Access

Concurrence with the Roads and Traffic Authority (RTA) when the DA was being determined for the Golf Resort Application identified that access to the Pacific Highway was to be constructed to the Austroads standards type "C" right turn and type "B" left turn. This approval lapsed with the Development Application approval.

Any proposed industrial area would need to provide a substantially larger intersection to accommodate articulated vehicles. Design standards of a seagull Island of approximately 340m would be required for this purpose with a 440m accelerating lane south bound. There also needs to be a safe intersection sight distance of 500m.

There has been consideration of construction of a road through both subject sites connecting the existing Pacific Highway to Wardrop Valley Road.

An estimate costing of this connection road is approximately \$1,000,000. The benefit of this connecting road will be for both lots.

4. STRATEGIC CONSIDERATIONS

The topography of Lot 6, DP 619717 will require considerable earthworks operations to make it suitable for development. The site is 126 Ha which could have a potential yield of 70 Ha or more

Reports from Director Development Services

of developable land. These earthworks will represent considerable cost to the proponents which will ultimately be reflected in the costs of subdivided lots.

The potential Industrial Land Investigation Report has identified that there is a current short fall of approximately 16 Ha of land suitable for manufacturing type industrial developments. However these figures have been based on historic take up rates from 1995 to 1999.

Council has previously endorsed an application to the Northern Rivers Area Consultative Committee by Tweed Economic Development Corporation (TEDC) for an investigation into land south of Murwillumbah (Johansens) for industrial purposes.

The strategic provision of industrial land is a pressing issue within the Shire. However, this new proposal allows Council to consider the strategic development of industrial land within the southern parts of the Shire (see Map 2).

The major problems affecting the provision of industrial land within Tweed Shire is identifying flat and flood free land.

The two proposed Greenfield sites (Fernvale Road and Johansens) offer an opportunity for large, flood free industrial lots. However, the servicing cost would exclude one of the sites from being economically feasible. Rationale suggests that the closer of the two (Fernvale Road) offers a less expensive servicing option. Furthermore, this could potentially allow the opening up of rural residential areas to water and sewerage infrastructure.

5. CONCLUSION:

Council's land on Wardrop Valley Road (Lot 31, DP 133404) is more constrained than Dickinson's land (Lot 6, DP 619717). Council's owned land is lower and more prone to backup flooding as well as having a more substantial catchment area. These lower areas represent a high probability of acid sulphate soils. Furthermore, it adjoins prime agricultural (Class 3) cane growing land. It is, however, closer to services.

If these two rezoning applications are combined, the issue is that any inclusion of rural residential into the Draft LEP Amendment will bring additional elements into the process. Of particular concern is that the NCREP will require a Rural Residential Strategy to be finalised before any rural residential land zoned. That Strategy has not been completed, and if required to be included, would delay the process.

The TEDC have offered a letter of support for the project which accompanied the rezoning application.

"The rezoning of the above (Lot 6, DP 619717) parcel of land to Industrial 4(a) will not only create a potential land bank of some 90 hectares for industrial purposes, but will also generate potential opportunities to attract large job-creating enterprises to the Tweed region".

The rezoning application has also been reviewed by the Industrial Land Task Force. TEDC have again written in the following terms:

"The question was raised as to whether this rezoning application should be dealt with in conjunction with or as part of an overall review of industrial land in Murwillumbah.

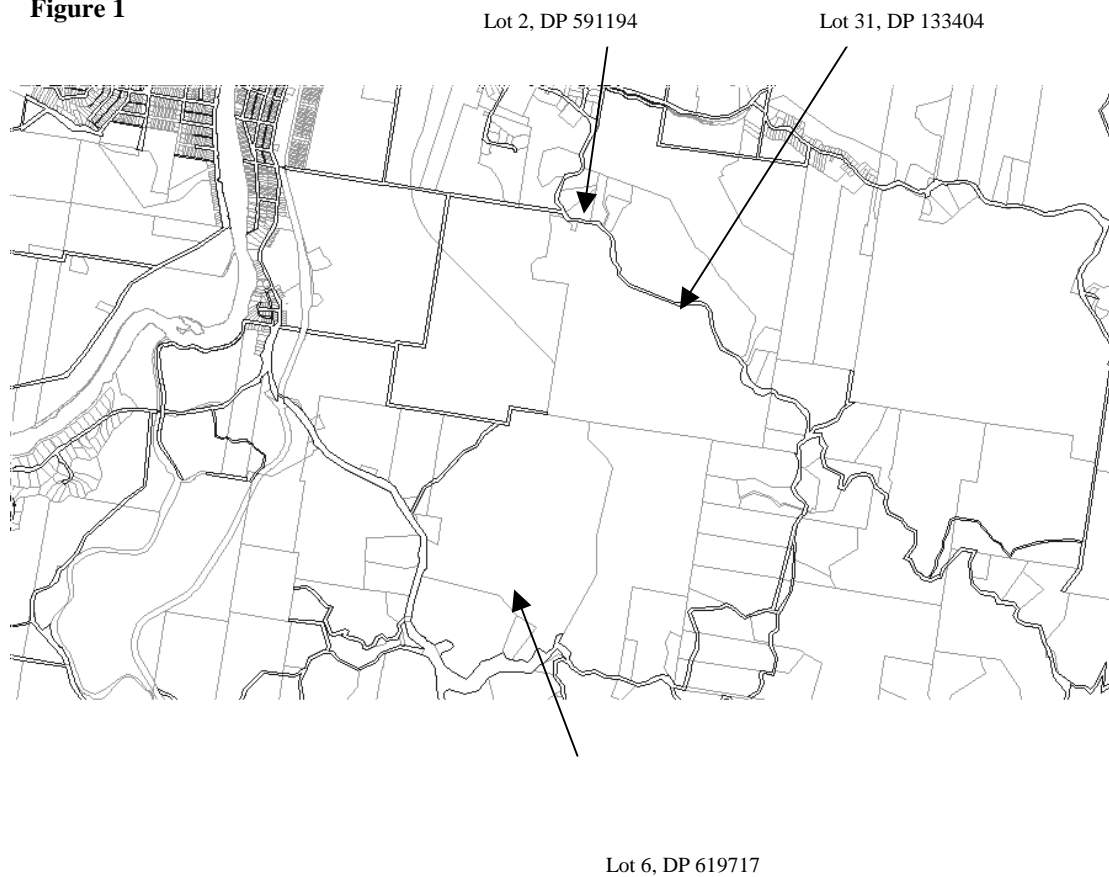
Reports from Director Development Services

TEDC wishes to express the strong view that it is imperative that this rezoning be dealt with independent of any overall review of industrial land in Murwillumbah, including Wardrop Valley”.

In considering a review of the environmental factors, economic considerations and infrastructure requirements, there is a clearly identified need to increase the stock of industrial land in the Shire. In review of both parcels of land, Lot 6, DP 619717, Fernvale Road and Lot 31, DP 133404, Lot 2, DP 591194, Wardrop Valley Road, it would be prudent to consider a comprehensive planning strategy, and a Draft LEP Amendment over Lot 6, DP 619717, Lot 31, DP 133404 and Lot 2, DP 591194 for industrial purposes.

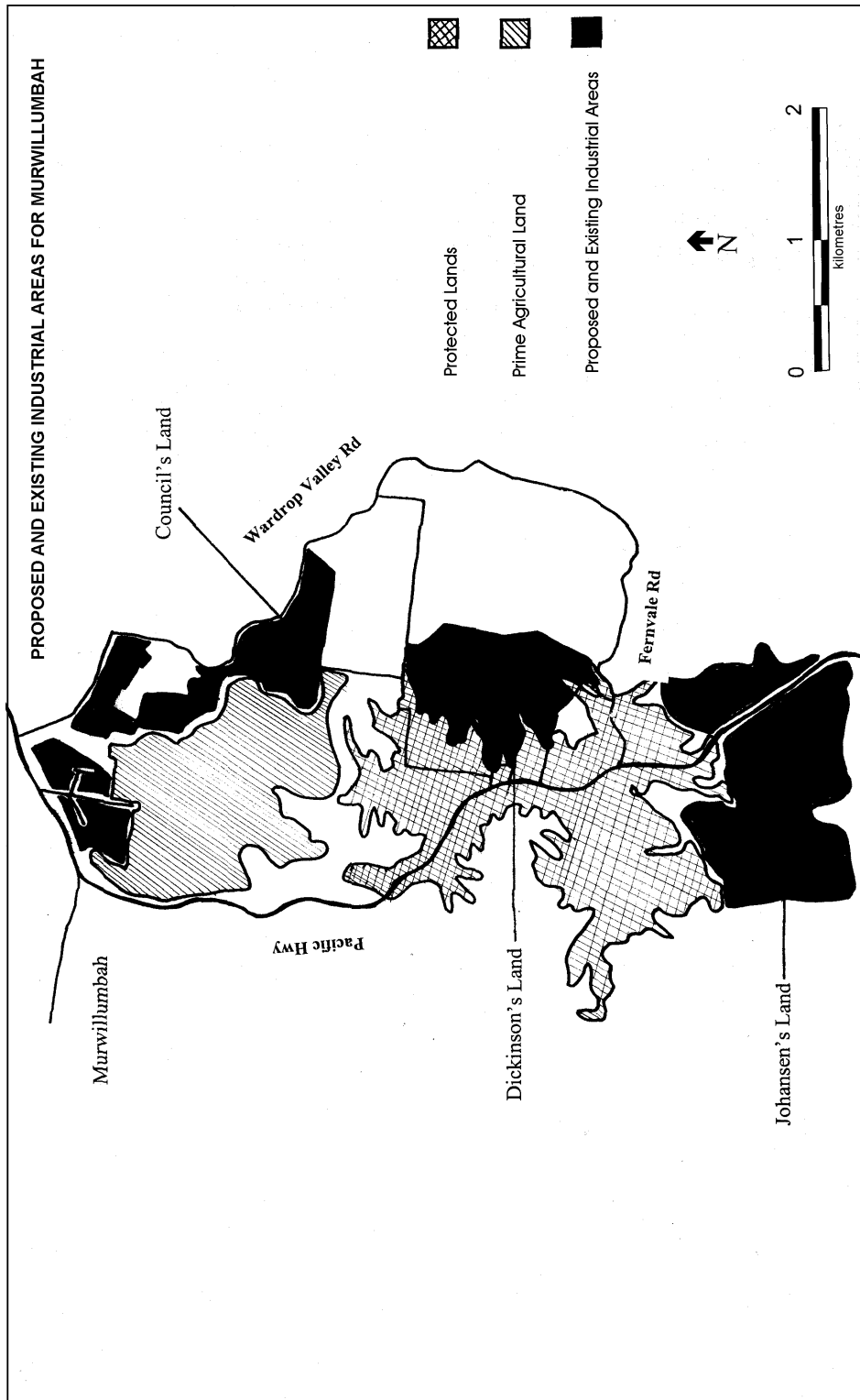
Reports from Director Development Services

Figure 1



Reports from Director Development Services

FIGURE 2



Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

6. ORIGIN: Subdivisions Unit

FILE REF: DA1460/1320 Pt1

REPORT TITLE:

Proposed Two (2) Lot Subdivision of lot 3 DP 828298 Chinderah Road, Cudgen

SUMMARY OF REPORT:

This application proposes a 2 lot subdivision. An identical proposal was refused by Council at its meeting on 19 January 2000. The fresh application has been lodged to enable Council to review its previous decision on the basis that the lot is in two separate parts and completion of the zoning of the larger part of Lot 3 will inevitably result in proposed Lot 1 remaining as a separate parcel. While the previous application was not recommended for approval this application provides further justification for the proposal and therefore conditional approval is now recommended.

RECOMMENDATION:

That development application No. 0808/2000DA for a 2 lot subdivision of Lot 3 DP 828298 Cudgen Road, Cudgen be approved subject to the following conditions:-

PRE-REQUISITES – conditions that must be complied with prior to the issue of a subdivision certificate

1. A traffic control plan that complies with the provisions of the RTA document “Traffic Control at Work Sites” Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
3. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

Reports from Director Development Services

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

Prior to construction commencing submit to Council a letter in which the property owner authorises Council staff or Council's contractors and their equipment to enter the site to undertake any such rectification works.

GENERAL

4. The development shall be completed in general accordance with Plan No N4396 prepared by McLauchlan Surveying Pty Ltd, except where varied by these conditions.
5. No soil, sand, gravel, clay or other material shall be disposed of off the site.
6. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
7. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
8. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (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.
9. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for verbal approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".
10. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
11. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
12. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
13. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to

Reports from Director Development Services

remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

14. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
15. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0808/2000DA and Development Consent K98/834 have been complied with.
16. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Restriction as to use prohibiting the erection of a dwelling house on proposed Lot 1.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

FURTHER APPROVALS

17. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for works required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks

Reports from Director Development Services

- road pavement
- road furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion control management plans
- location of all service conduits (water, sewer, Northpower and Telstra)
- the approved Traffic Control Plan
- relevant maintenance manuals (eg. G.P.T's, water pump stations)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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.

18. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan, together with any applicable Section 88B Instrument and application fees of \$110 per lot.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)

Reports from Director Development Services

- if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
- for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works

(ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

(iii) Written evidence from Council that the proposed road/street names have been approved.

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.

19. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor **AND** a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

20. Prior to the issue of a **Subdivision Certificate** a maintenance bond (in cash **or** unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

Reports from Director Development Services

21. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved **PRIOR** to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

22. All disturbed areas must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

ROADS/STREETS

23. All proposed drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 4 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
24. i. Construct to Lot 1 Chinderah Road frontage vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and also widen the road pavement from the lip of the new kerb and gutter to the edge of the existing bitumen pavement including tapers.
- ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
25. i. In accordance with Development Control Plan No. 16 a 1.2m wide footpath constructed of concrete or paving blocks shall be provided for the full frontage of Lot 1 to Chinderah Road. The design and construction standard shall comply with AUSPEC (TSC Version).
- ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
- iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the

Reports from Director Development Services

footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.

26. The accesses to Lot 1 are to be constructed in accordance with Councils "Access to Property" pamphlet where the internal layout of the car park is designed in accordance with DCP2 – Parking Code. The existing Cudgen Road access to be used only by vehicles exiting in a forward direction and turning left with the applicant to provide any signage or linemarking necessary.

The seal of the existing Chinderah Road access driveway to be extended by 15 metres by 1 metre on the northern side.

Prior to commencement of these works a plan to be submitted and approved by the Director, Engineering Services.

27. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
28. A 3.5m wide footpath area is to be graded to the kerb and turfed for the Chinderah Road frontage from the existing access south.

DRAINAGE/FLOODING

29. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
30. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or

Reports from Director Development Services

Occupational Phase of Development” . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
31. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
 32. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 3 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
 33. 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.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

Reports from Director Development Services

SERVICES

Sewer

34. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to Lot 1 including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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.

Telephone

35. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of telephone supply.

Electricity

36. The production of written evidence from Northpower certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.

ENVIRONMENT PROTECTION

37. 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.
38. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
39. 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.
40. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
41. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.

Reports from Director Development Services

- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
42. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
43. 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.

Reports from Director Development Services

REPORT:

Applicant: Torrac Investments Pty Ltd
Owner: Torrac Investments Pty Ltd
Location: Lot 3 DP 828298 Cudgen Road/Chinderah Road, Cudgen
Zoning: Part 1(d) Tweed Local Environmental Plan 1987 (deferred area); Part 1(b1) Agricultural Protection and Part 7(l) Environmental Protection (Habitat)

PROPOSAL

An application has been received seeking approval for a two (2) lot subdivision at Lot 3 DP 828298 Chinderah Road, Cudgen.

The land has an area of approximately 13.27ha and has frontage to Chinderah and Cudgen Roads. The land is generally flat and partially cleared and partially vegetated. Existing improvements include a packing shed. The packing shed is located on a small area of land, (proposed Lot 1) approximately 2068m², located on the corner of Chinderah Road and Cudgen Road. This area of land is isolated from the remainder of Lot 3. The proposal is to subdivide Lot 3 into 2 lots as follows:-

- Lot 1 - 2068m², frontage to Chinderah Road and Cudgen Road. Existing improvements include a packing shed – zoned 1(b1)
- Lot 2 - 13.07ha, frontage to Chinderah Road – vacant – zoned Part 1(d) and Part 7(l).

A State Environmental Planning Policy No. 1 (SEPP1) objection accompanies the application seeking to vary the 40ha minimum standard in the 1(d) zone under the Tweed Local Environmental Plan 1987 and the 40ha standard in the 7(l) zone under Tweed Local Environmental Plan 2000 and the 10ha standard in the 1(b1) zone under Tweed Local Environmental Plan 2000.

Generally, the purpose of the subdivision is to excise that part of the subject land which is already severed from the larger part to create 2 separate allotments.

HISTORY

In January 1998 it was brought to Council's attention that farm produce was being sold on the subject land (Proposed Lot 1). The matter was reported to Council's meeting on 16 September, 1998 with the following recommendation:-

“That the occupier of the unauthorised fruit stall at part Lot 3 DP 828298 Cudgen Road, Cudgen be advised that:-

- 1. Based on the information provided Council does not acknowledge existing use rights for the sale of fruit and vegetables from the site and operations are to cease within 14 days of notification or legal proceedings will be initiated.*
- 2. Based on the information provided Council does not acknowledge continuing use rights for a packing shed (rural industry) and operations are to cease within 14 days of notification or legal proceedings will be initiated.*

Reports from Director Development Services

3. *Council could consider a development application for a packing shed (rural industry) with strictly no retail of products”.*

At that meeting, Council resolved as follows:-

“RESOLVED that the operator be informed that Council:

1. *Does not dispute claims of existing and continuing use rights for a packing shed and retail component at this time, but reserves the right to take further evidence on this question.*
2. *Is of the view that the retail use has intensified and/or expanded since 1964, and that accordingly, a development application will be required if these uses are to continue.*
3. *Requires that use of the site for sale of fruit and vegetables is to cease within 40 days unless a development application for this use is lodged within that time.*
4. *Is not able to decide whether or not to approve retail sale of fruit and vegetables at the site until it has before it a development application clearly describing the activity proposed, the means of access and other relevant considerations.*
5. *Can assist with a list of matters which need to be addressed in a development application.*
6. *Will defer the question of access to Cudgen Road until a Development Application is submitted”.*

On 14 December, 1998, Council received a development application seeking approval for an intensification of the retail component of the existing fruit stall and packing shed.

A report on the application went to Council’s meeting held 16 June 1999 with the following recommendation:-

“That the Development Application submitted by Dean Akers for intensification of the retail component of the existing development situated at Part Lot 3 DP 828298 Cudgen Road, Cudgen be refused for the following reasons.

1. *The proposed use is prohibited within the zone and insufficient information has been submitted to establish existing use rights.*
2. *The proposed signage is inconsistent with the aims and objectives of Development Control Plan No 15 (DCP15) - Advertising Signs. The signs are visually intrusive, detract from the character of the area and create an undesirable precedent.”*

At that meeting Council resolved as follows:-

“...that Council indicates its support for the development application and the Director Development Services bring forward conditions appropriate in the event of Council resolving to approve this application.”

At Council’s meeting of 7 July, 1999 Council resolved to approve the application and Consent No. K98/834 was issued on 20 July, 1999.

Reports from Director Development Services

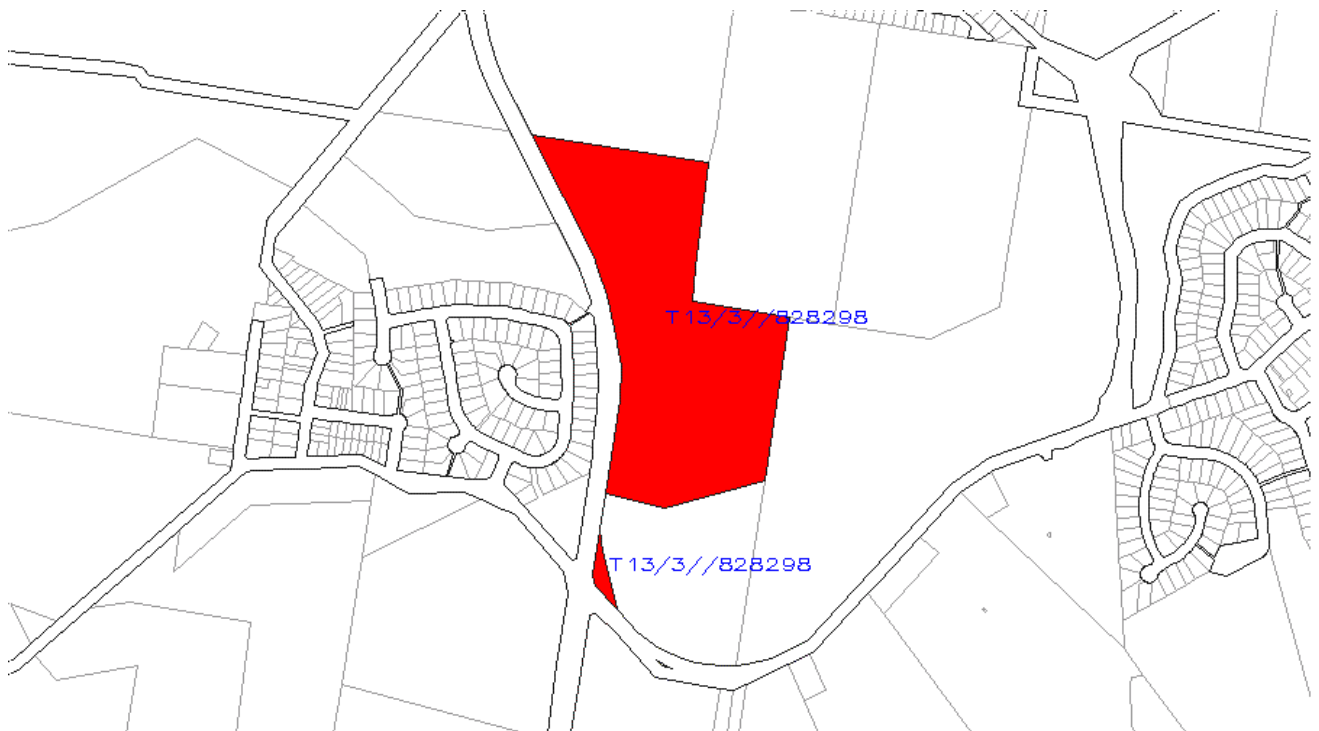
At its meeting on 19 January 2000 Council considered a report on a development application for an identical proposal and resolved that the application be refused for the following reasons:-

- “1. *The State Environmental Planning Policy No. 1 objection is not well founded.*
2. *Approval of the application would be inconsistent with Tweed Local Environmental Plan 1987 and draft Tweed Local Environmental Plan 1998 as proposed Lot 1 does not comply with the minimum area requirements contained in those plans.”*

Lot 3 (proposed Lot 2) is subject to draft Local Environmental Plan Amendment No. 10. This amendment proposes to rezone the land within proposed Lot 2 zoned 1(d) Development Investigation to 2(c) Urban Expansion. The existing 7(l) zone is to remain unchanged. This amendment is in relation to that part of Lot 3 (proposed Lot 2) which was deferred from the provisions of Amendment No. 10 to the Tweed Local Environmental Plan 1987 and this will finalise the rezoning of the land.

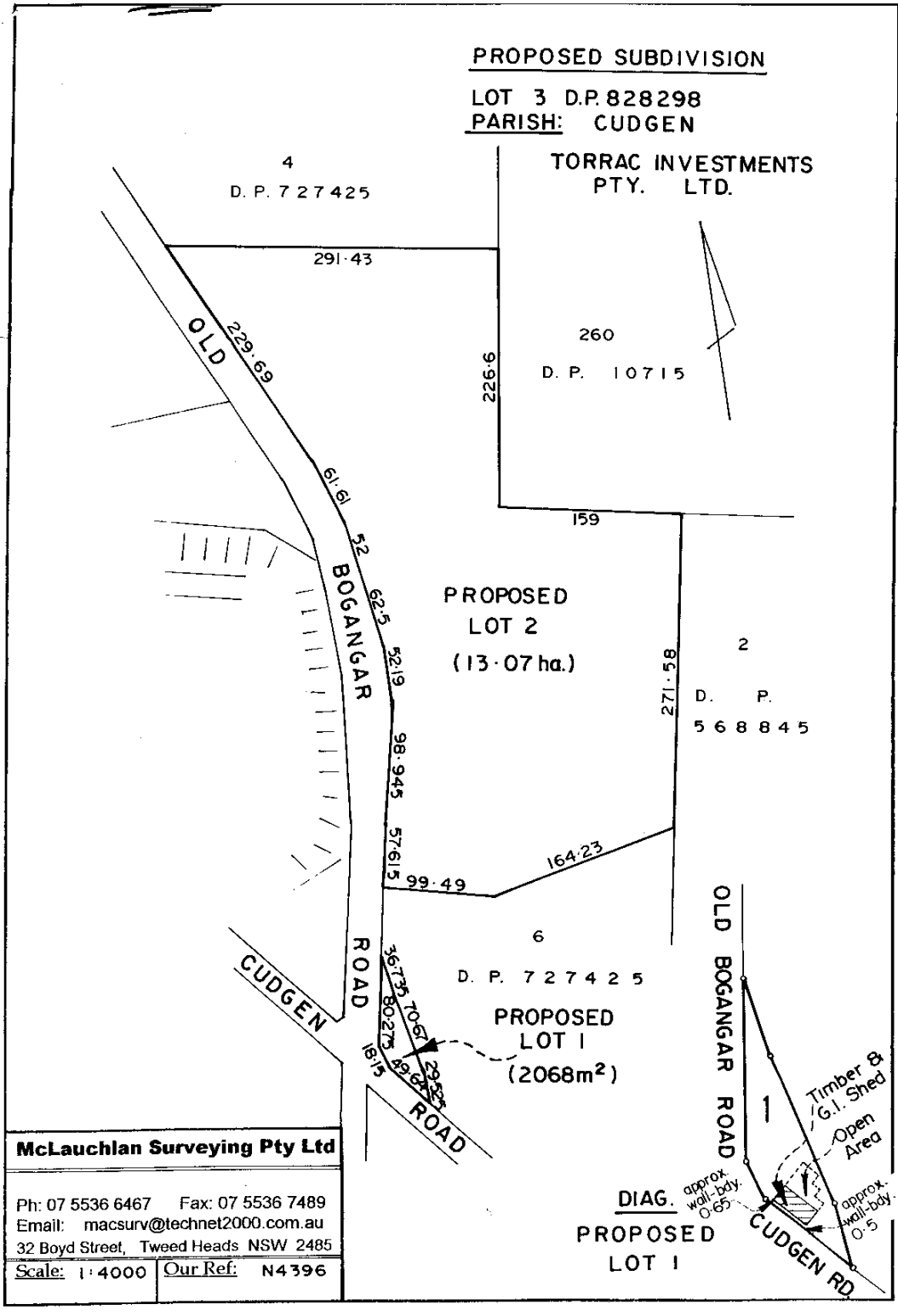
The Tweed Local Environmental Plan 2000 zones that part of the land containing the packing shed, (proposed Lot 1 - 2068m²) 1(b1) Agricultural Protection.

Figure 1



Reports from Director Development Services

Figure 2 - Subdivision Plan



Reports from Director Development Services

SECTION 79(C)(1) ASSESSMENT

The application has been assessed under Section 79(C)(1) of the Environmental Planning and Assessment Act, 1979.

(a) (i) Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned Part 1(d) Development Investigation being the deferred area under TLEP 1987, Part 7(l) Environmental Protection (Habitat) and Part 1(b1) Agricultural Protection and the proposal is permissible with Council's consent subject to each lot having an area of not less than 40ha in the 7(l) and 1(d) zones and 10ha in the 1(b1) zone. The subject lots do not comply with the relevant development standard and therefore the application is accompanied by a SEPP1 objection which contends that the development standards are unreasonable and unnecessary on the basis that proposed Lot 1 is already fragmented from proposed Lot 2 and both lots are generally consistent with the objectives of the zones. In this regard the land within proposed Lot 2 is proposed to be partly rezoned to 2(c) Urban Expansion. LEP 2000 also zones proposed Lot 1 to 1(b1) Agricultural Protection. The existing 7(l) zone on the subject land is to be located entirely within proposed Lot 2 and will not to be fragmented by this proposal.

In addition, the applicant submits that:-

“Reference to McLauchlan Surveying Pty Ltd plan N4396 shows proposed Lots 1 & 2 are physically separated by Lot 6 DP 727425, the owner of which has no connection with the subject land.

The physical separation of the two parcels, although presently on one title, was created by the opening of the Chinderah By-pass Road to avoid through traffic using Crescent Street and thereby travelling through the residential area of Cudgen Village.

The resultant separation of the two parcels means that the two lots will always be separate as the owner of Lot 6 is not interested in acquiring proposed Lot 1.

Further, and perhaps more significantly, the zoning of proposed Lot 2 to part 2(c) and part 7(l), followed by subdivision, will inevitably result in proposed Lot 1 being on a separate title.

Council's letter of 31 May 1999 regarding LEP Amendment No. 10 requires an 80m setback to dwellings within proposed Lot 2 to the adjoining agricultural land in existing Lot 6.

The 80m buffer area can remain as freehold land attached to individual allotments and as such will result in proposed Lot 1 being on its own title.

In addition to the above Council has acknowledged existing use rights for the sale of fruit and vegetables from the premises on proposed Lot 1.

Reports from Director Development Services

Agricultural Protection Zone Objectives

The primary objective of the Agricultural Protection zone is:

- *To protect identified prime agricultural land from fragmentation and the economic pressure of adjoining uses.*

The secondary objective is:

- *To allow other development that is compatible with agricultural activities.*

Proposed Lot 1:-

- *Is occupied by a large building and has a paved vehicle parking area.*
- *Is fragmented from proposed Lot 2 by adjoining Lot 6 which is as noted earlier, under separate ownership.*
- *Will not in any way effect agricultural activities or viability of same on adjoining Lot 6.*
- *As an outlet for fruit and vegetables and packing shed is compatible with agricultural activities carried out else where on the Cudgen plateau.*

Hence, even though proposed Lot 1 is less than 10ha it is not inconsistent with the primary and secondary objectives for the zone.”

Comments

For the reasons put forward by the applicant, it is considered that the objection is well founded and should be supported, if Council is satisfied that the current use of proposed Lot 1 has existing use rights.

In correspondence dated 2 August 2000, the Director-General of the Department of Urban Affairs and Planning has granted concurrence to this SEPP1 objection to vary the development standards contained in Clauses 20 of TLEP 2000 and 32(2) of the TLEP1987.

(ii) Development Control Plans (DCPs)

DCP16 - Subdivisions Manual

The application is generally consistent with the provisions of this Plan.

(b) The likely impacts of that development on the environment

It is considered that development is unlikely to have a significant effect on the environment. The only physical works required will be the construction of driveway accesses, extension of sewerage reticulation and footpaths.

Reports from Director Development Services

Services

Proposed Lot 1 already has reticulated water supply but no sewer service. Proposed Lot 2 does not have water or sewer services.

It is considered that a sewer service should be provided to proposed Lot 1. However, consent No. K98/834 for the intensification of retail component in fruit stall and packing shed (proposed Lot 1) requires the connection of sewer to the site and payment of sewer headworks contribution. Any consent should be conditioned to require compliance with Consent K98/834.

The provision of water and sewer services to proposed Lot 2 will be required when the land is rezoned and a development application is received to subdivide the land.

Contributions

It is considered that water and sewer headworks charges should not apply to proposed Lot 2 as they will be levied when the lot is rezoned and a development application is approved.

In relation to proposed Lot 1 it is considered that the only Section 94 contribution applicable is the road contribution under Section 94 Plan No. 4. In this regard, again Consent No. K98/834 requires a road contribution in accordance with the Section 94 Plan No. 4. Accordingly, it is considered that any consent should be conditioned to require compliance with Consent K98/834.

(c) Suitability of the Site for the Development

The land is generally suitable for the proposed development and there are no apparent absolute constraints which would preclude approval of the application.

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

The application is not required to be advertised or publicly notified and no submissions have been received.

(e) Public Interest

In the circumstances of the case and having regard to the history of the subject land, it is considered that approval of the application would be consistent with the public interest.

Comments from Engineering Services Division

No objections raised.

Comments from Environment and Community Services Division

No objections raised.

Reports from Director Development Services

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Councils determination, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such no third party appeal rights exist.

OPTIONS

It would appear that in this instance the following options are available to Council:-

1. Refuse the application.
2. Approve the application subject to appropriate conditions.

CONCLUSION

Council offices did not recommend that Council acknowledge 'existing use rights' for the existing packing shed on Lot 1.

Similarly, the previous development application for an identical proposal was not recommended for approval, notwithstanding that the Department of Urban Affairs and Planning granted concurrence to the SEPP1 objection.

In this case, the land is already in two separate parts which apparently occurred when Council opened the Chinderah Bypass Road. Given that the current owner of adjoining Lot 6 DP 727425 is apparently not prepared to purchase (and consolidate) proposed Lot 1 and as it is inevitable that proposed Lot 1 will require a separate title when rezoning and subdivision of proposed Lot 2 occurs it is considered that approval of the application is reasonable in the circumstances.

Reports from Director Development Services

7. ORIGIN: Development Control Unit

FILE REF: DA0425/20 Pt1

REPORT TITLE:

Erection of Two (2) Farm Sheds for the Purpose of Fruit Packaging (Bananas) and Timber Milling – Lot 2 DP 262635 Baria Road, Burringbar

SUMMARY OF REPORT:

An application has been received seeking approval for two (2) farms sheds for the purpose of fruit packing (bananas) and timber milling. Adjoining and adjacent property owners were notified and five (5) submissions of objection were received. The most significant impact likely from the sawmill is excessive noise.

The unauthorised sawmill operations were originally brought to Councils attention by complaints from local residents regarding excessive noise. The applicant provided a noise impact assessment which indicates that the noise generated by the sawmill will exceed NSW Environment Protection Authority acceptable noise limit at the nearest affected dwelling which is located approximately 250 metres from the sawmill.

Accordingly, it is considered that the application should not be supported as it will create excessive noise levels which is likely to adversely impact on the residential amenity of the locality.

However, it is considered that the proposed packing shed should be supported only and it is recommended that the applicant be invited to resubmit a development application for the packing shed only which should then be approved under delegated authority.

RECOMMENDATION:

That :-

- A. The development application submitted by GD Sharp for the erection of two (2) farm sheds for the purpose of fruit packing (bananas) and timber milling at Lot 2 DP 262635 Baria Road, Burringbar be refused for the following reasons:-
 1. The proposal will generate noise levels exceeding NSW Environment Protection Authority acceptable noise limits which is likely to adversely impact on the residential amenity of the locality.
 2. The proposal is contrary to the public interest.
 3. The proposal is not suitable to the locality.
- B. The applicant be invited to resubmit a new development application for the packing shed.

Reports from Director Development Services

REPORT:

Applicant: GD Sharp
Owner: Mr MR & Mrs ML Murnane
Location: Lot 2 DP 262635 Baria Road, Burringbar
Zoning: 1(a) Rural
Est. Cost: \$5000

PROPOSAL

An application has been received seeking approval for two (2) farm sheds for the purpose of fruit packaging (bananas) and timber milling at the above property.

The subject land has an area of approximately 2 hectares and has frontage and vehicular access to Baria Road. The land has flat and hilly slopes and is extensively cleared with some stands of trees scattered over the property. A small stream also passes through the property. Existing improvements includes a dwelling house. Bananas are also grown on the property and a sawmill has partially been operating also.

The applicant proposes to erect 2 sheds. One shed will be used for the purpose of banana packing. This shed will have an area of approximately 20m x 10m. The other shed will be used for the sawmilling operations and will have an area measuring 7m x 7m. This shed will have no walls.

The sawmilling operation includes a four wheel drive tractor for timber salvaging, a PTO winch, portable swing saw and saw bench, professional chain saws and generators. Approximately 15-20m³ per month of timber will be cut at the property, weather permitting. Various species are sourced both locally and from afar. The timber products produced vary from 1200mm wide flitches, to fence posts, joists and bearer, banana props and numerous customised orders. The sawmill will operate between the hours of 8am and 5pm.

Adjoining and adjacent property owners were notified and five (5) submissions of objection were received. Only 3 properties were notified, all of which are in Baria Road, and of those two (2) submissions of objection were received. The other 3 submissions of objection were from owners along Dixons Road which do not adjoin the subject land. These submissions will be discussed in the "Consultation" section of this report.

HISTORY

The sawmilling operations were brought to Councils attention by way of complaints from some residents in the locality which were concerned with excessive noise, and the unauthorised use. Subsequently, Council advised the operator to cease work and submit a development application to seek Council approval for the sawmill.

CONSULTATION

The adjoining and adjacent property owners (3 properties) were notified, of the proposal and 5 submissions of objection were received. Of the property owners that were notified 2 submissions of objection were received. The other 3 submissions were from residents along Dixons Road who's properties do not adjoin the subject land.

The submissions of objection are summarised below and comments provided where necessary.

Reports from Director Development Services

* **Property values will fall**

Comment

This is not a planning consideration and this point is difficult to justify and should not warrant refusal of the application in this instance.

* **Extra traffic particularly trucks will damage the roads and be a safety problem for children playing in the locality**

Comment

The application indicates that only one (1) five ton table top Dodge truck will be used to transport felled logs to the site for processing and the delivery of sawn timber. It is considered unlikely that one truck with perhaps one trip a day would create a significant adverse impact on the quality of the roads. In any case should the proposal be approved a road contribution would be applicable to contribute to road upgrading and maintenance in the locality.

Only one person will operate the sawmill operations. No other persons will be employed.

In relation to the safety of the children playing in the area, again, it is unlikely that the proposal will significantly create an unsafe environment as it is envisaged that the truck would not make more than 1 trip a day.

* **The sawmill will grow in size**

Comment

Should the application be approved then any intensification or expansion of the operation would also need Councils approval and submission of a further development application. At which time the application will be assessed on its merits.

* **How is waste to be disposed of. Burning of waste undesirable**

Comment

Waste sawdust will be stored on site prior to marketing to various landscape gardeners, chicken farms and horse stables. Timber off cuts will be either sold as firewood or burnt on site.

It is considered that the burning of the timber waste is not appropriate and any consent should be conditioned that sawdust and waste timber material shall not be burnt on site and shall be disposed to Councils satisfaction.

* **The use and storage of chemicals is undesirable for the locality**

Comment

The chemicals proposed to be used and stored include 1 x 20 litre container of roundup, 1 x 20 litre container of Lorsban, 1 x 20 litre container of end-sealer for painting on the ends of logs, one litre of lobasive fruit fly spray and 2 x 20 litre drums of heavy grade machinery oil. All these chemicals will be stored in a lock up chemical storage shed within part of the proposed banana packing shed.

Reports from Director Development Services

The chemicals identified above (Roundup, Lorsban and Lobasive) are common chemicals used for property maintenance and agriculture, particularly bananas. It is unlikely that these chemicals used in their prescribed forms are unlikely to create an adverse impact on the environment of the locality. This is also the case for the paint and machinery oil associated with the sawmilling operations.

Accordingly, it is considered that the chemicals to be used in association with the proposal is unlikely to create a significant adverse impact and this does not warrant refusal of the application in this instance.

- * **A small stream passes through the subject land and is in close proximity to the sawmill operations and may become contaminated**

Comment

Both of the proposed sheds are situated approximately 45 metres from the creek and are unlikely to adversely impact on the quality of the creek. Some of the storage area for the timber is located approximately 30 metres from the Creek. However, this area is to be used for storage purposes only and this is also not likely to adversely impact on the quality of the creek.

No excavation work will be undertaken within 40 metres of the subject creek.

- * **The sawmill operations will create unacceptable noise in the locality**

Comment

It is accepted that the development, particularly the sawmill operations will create loud noises with the operation of the machinery. All of the submissions received identified this issue of particular concern. It was because of the excessive noise from the sawmill operations that made Council aware of the unauthorised sawmill in the first place.

The nearest dwelling is approximately 250m from the sawmill site.

To determine the amount of noise generated by the proposal and its likely impact on the locality the applicant, at Council's request provided a Sound Level Impact Assessment of Noise Levels from the sawmill.

Council's Environment and Health officer reviewed this Noise Assessment and provided the following comments:-

"The NSW EPA acceptable noise limit for this rural area is 45dB(A), whilst the Extreme limit is 50dB(A).

The acoustic consultant reports the existing background level to be 65dB(A) due to trucks breaking as they exit the Burringbar Ranges on the nearby highway. The proposed equipment operates at varying noise levels, with the highest being 98dB(A) for the chainsaw at 7.5m distance.. The consultant reports that this would be reduced through distance attenuation to about 64dB(A) at 250m, which is the distance to the nearest house of concern.

If the reported background noise level were not so high due to the highway traffic, then it would be unlikely that the proposal would be considered favourable. Further, the highway is to be diverted in the foreseeable future. Therefore I do not agree with the consultant's

Reports from Director Development Services

conclusion that the noise levels from the proposed sawmill activities are acceptable, especially given the objections which exist from adjoining residents to the operation.

I am unable to support the proposal as the reported operational level of 64dB(A) is clearly above the acceptable extreme limit of 50dB(A), and is likely to cause disturbance of residents.

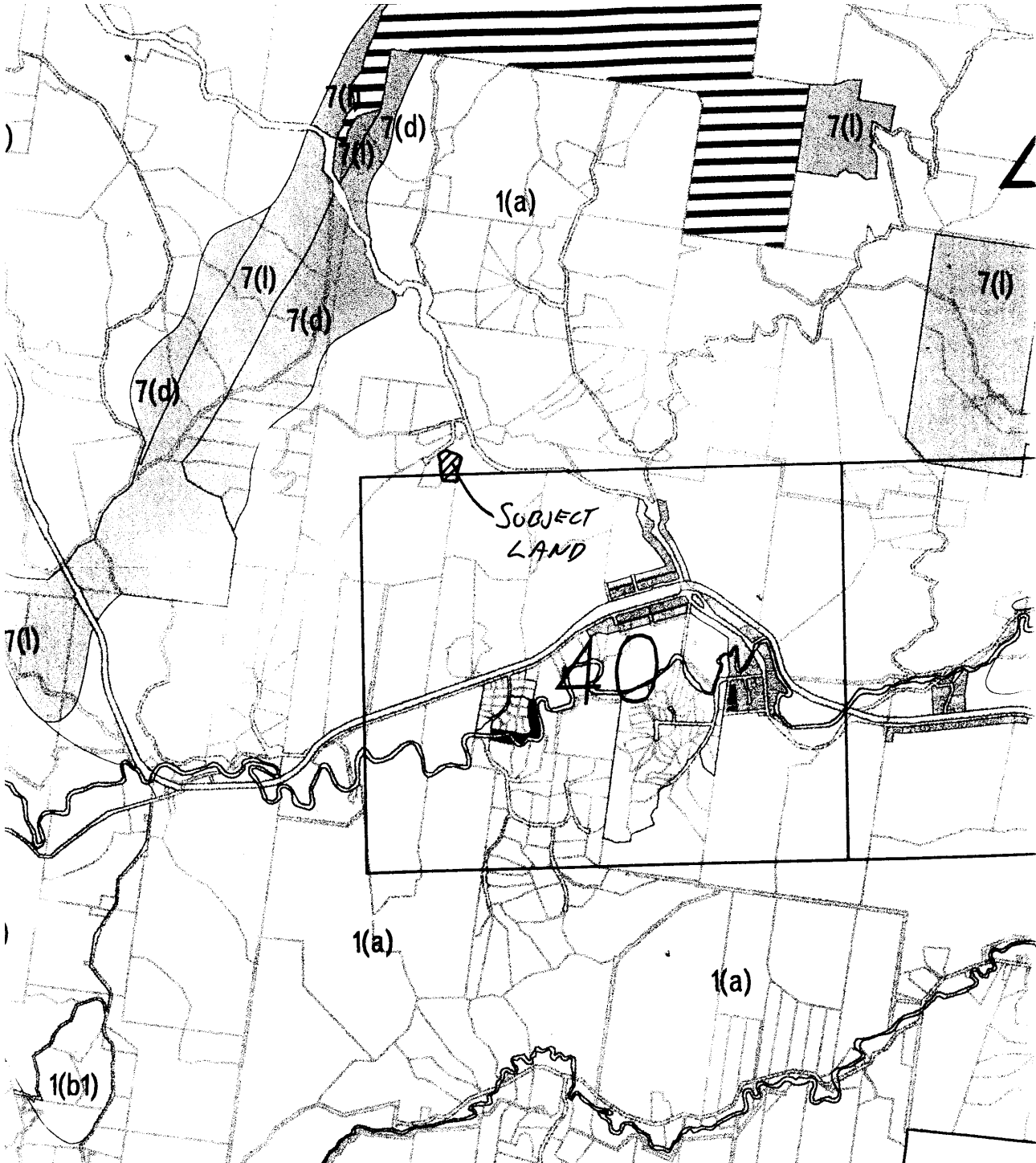
However, should an approval be issued I would suggest that it should be limited to a 12 month period in which time the mill could be operational and the level of local disturbance could be further determined before any longer term approval is considered”.

In accordance with the Noise Impact Assessment and the comments provided by Councils Health Officer in relation to the Assessment the proposal (sawmill operations) will create noise exceeding the NSW EPA acceptable noise limit of 45dB(A) and the extreme limit of 50dB(A) which is unacceptable. The nearest dwelling which is approximately 250 metres from the sawmill will still have a noise level of 64dB(A). Accordingly, it is considered that the proposal cannot be supported because it will create excessive noise above the NSW EPA acceptable noise limits.

Event at approximately 300 metres from the sawmill the Noise Impact Assessment indicates that the noise level will be 62dBA, which is also unacceptable.

Reports from Director Development Services

FIGURE 1 – LOCALITY PLAN



Reports from Director Development Services

ASSESSMENT

The proposal has been assessed against the matters for consideration contained within Section 79C(1) of the Environmental Planning and Assessment Act, 1979. This assessment appears below.

(a) (i) Statutory Provisions

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 1(a) Rural and the proposal is permissible subject to Councils consent.

Clause 31 – Development adjoining Waterbodies

This clause applies to land that adjoins the mean high water mark (or the bank where there is no mean high water mark) of a waterbody. As previously discussed in the “consultation” section of this report a small creek passes through the property.

The banana shed will be located approximately 45 metres from the creek and the sawmill shed will be located even further away from the creek. No excavation work will be within 45 metres of the creek. Only some of the storage area for timber will be located within 30 metres of the creek, but this area will not require any excavation works. The land in this area is already substantially cleared and only grassed.

Accordingly, it is considered that the proposal is unlikely to have any significant adverse effects on the scenic quality, water quality, marine ecosystems or the biodiversity of the creek. It is considered that a buffer of approximately 45 metres between the creek and the shed is reasonable under the circumstances.

(b) Impacts

The likely impacts of the development were generally discussed in the “consultation” section of this report and it is considered that the most significant impact from the development will be noise generated from the sawmilling operations. As discussed it is considered that the noise is likely to be intrusive to the residential amenity of the locality. The noise level at the nearest affected residence at approximately 250m away from the sawmill was reported to be 64dB(A) which exceeds NSW EPA acceptable noise limit of 45dB(A) and the extreme limit of 50dB(A). Even at 300 metres from the sawmill the noise reading was reported at 62dB(A).

Accordingly, it is considered that the noise exceeding NSW EPA acceptable limits is likely to create a significant adverse impact on the residential amenity of the locality. This noise impact has already been confirmed by existing notifications and complaints to Council in relation to excessive noise being generated from the sawmill which adversely affected some residents in the locality.

Accordingly, it is considered that the application cannot be supported as the noise generated from the sawmill exceeds NSW EPA acceptable limits and this is likely to adversely affect the residential amenity of the locality.

Reports from Director Development Services

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

It is considered that a rural environment is likely to be a suitable location for the development of this nature. However, the location of a sawmill also needs to take into consideration a number of other likely constraints such as topography of the locality and the proximity of other dwellings as sawmilling operations generate loud noises.

In this instance, as discussed, it is considered that the noise being generated by the sawmill will be excessive. The noise level at the nearest affected dwelling even exceeds the NSW EPA acceptable limits. The noise from the sawmill also seems to be carried up the valley as Council has received a number of complaints from residents not adjoining the subject land.

Accordingly, it is considered that this site is not likely to be suitable for the proposed development as the noise generated is likely to create an adverse impact on the residential amenity of the locality. The development would be better suited to the locality that has less residential development.

(d) **Submissions**

As discussed in the "consultation" section of this report adjoining and adjacent property owners were notified and 5 submissions of objection were received. See "consultation" section of this report.

No public authority submissions were received.

(e) **Public Interest**

The public interests has been taken into consideration and it is considered that the proposed development is not suitable to the locality as it likely to generate excessive noise which will adversely impact on the residential amenity of the locality.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Councils determination, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such no third party appeal rights exist.

OPTIONS

It would appear that in this instance the following options are available to Council.

1. That the application be refused.
2. That the application be approved subject to appropriate conditions.
3. That the banana packing shed be approved only and the applicant be invited to resubmit a new development application for the packing shed only.

Reports from Director Development Services

CONCLUSION

It is considered that the application should not be approved as the proposed development, in particular the sawmilling operations, will generate noise levels exceeding the NSW EPA acceptable noise limit which is likely to adversely impact on the residential amenity of the locality. The subject site is not considered to be a suitable location for a development of this nature. This has also been confirmed by previous complaints received from residents in the locality about excessive noise being generated from the unauthorised sawmill.

It is considered that Option 3 would be the best choice and the banana packing shed be approved only. In this regard it is recommended that the applicant be invited to resubmit a new development application for the packing shed only.

Should Council resolve to approve the application then it is considered that a condition of any consent should limit the use on a 12 month period in which time the mill could be operational again and the level of local disturbance could be further determined before any longer term approval is considered.

Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

8. ORIGIN: Subdivisions Unit

FILE REF: DA1180/382 Pt5

REPORT TITLE:

Proposed 94 Lot Subdivision at Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff - Casuarina Beach Stage 6 (DA 0681/2000DA)

SUMMARY OF REPORT:

Council is in receipt of an application proposing the Stage 6 subdivision of the Casuarina Beach development into 97 lots. The applicant initially proposed to carry out the stage 6 development over two (2) stages – Stage 6a and Stage 6b. Stage 6a incorporates the creation of 97 lots, whilst proposed stage 6b incorporates the creation of 26 allotments. The stage 6b component of the application has since been withdrawn.

- Stage 6a – 97 allotments (residential, public reserves, medium density & residue)

The proposal consists of conventional allotments, public reserves and parking areas and larger lots for higher density development, which will be subject to future development applications.

This application is over Management Lots 5, 6 and 7 (as per the stage 1 consent) and the former 'Narui' land (hereon referred to as the 'Richtech' site). The value of the works proposed is estimated at \$3,890,000.

Numerous discussions have been held between the applicant and Council officers in order to clarify and resolve issues to a point where a recommendation for approval can be made. Draft conditions have been discussed with the applicant, with a number of conditions not agreed upon. In this regard, the applicant has provided Council with the following response dated 9 August 2000.

The following changes to the recommended conditions have been proposed by the applicant.

“Condition 47(viii) should read as follows:-

Condition 47(viii)(a) The applicant/developer shall provide a bond to the value of 120% of half the cost of construction of a road and park area to be constructed within the Crown Road Reserve long the northern boundary of the land subject of this application. The road together with parking, set down, and park area shall be constructed in accordance with Cardno MBK Plan 7034/1/11 and typical sections 1, 2 & 3.

Condition 47(viii)(b) Upon reaching agreement with adjoining owners and upon the Crown reserve road being transferred to Tweed Council, within 2 years of the date of this consent, the applicant may at its discretion and at its expense, construct the road, parking areas, and park as referred to in 47(viii)(a). Upon completion of the works any bond provided securing the works shall be returned to the applicant.

Condition 47(viii)(c) Should the Crown Reserve Road not be transferred to Council as trustee or owner within 2 years of the date of this consent then any bond as lodged by the applicant/developer shall be returned to the applicant/developer.”

Reports from Director Development Services

Comment

This condition is considered unsatisfactory. The applicant initially put forward engineering plans showing 2.0m to 3.0m high retaining wall along the northern property boundary. Following discussions with Council officers, the proposal was amended in accordance with the recommended condition 47. The recommended condition was originally proposed by the applicant themselves and agreed to, subject to very minor changes by Council officers. This agreement took place at a meeting between the applicants and Council officers on 1 August 2000. The proposal is considered to be contradictory to the agreement reached between the applicant and Council officers to date, however, time has not enabled a detailed review of the amended condition to be completed. This will be undertaken and further changes recommended if appropriate.

“Condition 47(xi) should read as follows:-

Road 4 shall be cul-de-saced at either end where it abuts Road 1 and the Crown Reserve Road on the northern boundary of the land. Road 11 shall not be connected to Road 2 and appropriate landscape barriers shall be placed near the alignment of Road 2 and Road 11. A pedestrian access at the alignment of Road 2 and Road 11 and at the alignment of Road 4 and Road 11 shall be provided. Pedestrian access only shall be provided at the alignment of Road 4 and the Crown Reserve Road on the northern boundary of the land the subject of this application”.

Comment

The proposed condition is considered unsatisfactory. The provision of culs-de-sac in the proposed areas is considered likely to compromise the provision of adequate vehicular and pedestrian connectivity throughout the site.

“Condition 47(xii) should be deleted”.

Comment

The proposal is considered unsatisfactory. Again, it is considered that this proposal will compromise vehicular and pedestrian connectivity throughout the site.

“Condition 47(xiii) should be deleted”.

Comment

This proposal is considered unsatisfactory. Again, it is considered this proposal will compromise vehicular and pedestrian connectivity and safety throughout the site.

“Condition 83(A) This condition should be amended to refer to two dogs following conversations with your officers and the Mayor. The amendment makes sense.”

Comment

The restriction to one dog per allotment is carried over from both the stage 1 consent (issued by the Land and Environment Court) and existing restrictions on title. In this regard amendment of the condition is considered unsatisfactory.

Reports from Director Development Services

Whilst it is considered that those conditions listed above should not be amended, Council may at its discretion resolve to approve the proposed modified conditions as put forward by the applicant.

RECOMMENDATION:

That Development Application No. 0681/2000DA for a 94 lot subdivision of Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff (Casuarina Beach Stage 6) be approved subject to the following conditions:-

PRE-REQUISITES - conditions that must be complied with prior to the release of a construction certificate

1. Prior to the issue of a Construction Certificate a Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.
2. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species, which ensure no potential for seed transfer to Lot 500, which would conflict with the propagation and maintenance of species, specified in the Dune Management Plan and Lot 500 Management Plan.
3. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
4. Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
5. The Stage 6 application is to be consistent with the lot boundaries of open space lots 8, 9, 13 & 14 in DP 1014470.
6. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions:- 3, 4, 14, 15, 16, 17, 18, 21, 24, 25, 27, 34 (relating to bulk earthworks only), 35 (relating to bulk earthworks only), 36, 47 (viii),

Reports from Director Development Services

(xii), (xiv), 52, 54, 55, 56, 58, 59, 60, 61, 62(d), (ii), (iii), (iv), (v), (vi), (vii), 64, 73, 74, 75, 76, 78, 79, 80, 84.

GENERAL

7. Prior to the issue of a Subdivision Certificate pursuant to this consent ALL works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.
8. Construction of each section of walkway / cycleway immediately east of any management lot shall be completed prior to the release of the linen plan for subdivision of the respective management lot.
9. The design of the walkway shall be integrated with any adjacent proposed car parking areas and beach access points and shall extend for the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the approval of the Reserves Trust.
10. This consent does not give approval to proposed Stage 6b, which shall be subject to a fresh development application.
11. A total of 75 public parking spaces are to be provided along the eastern side of proposed road 11, in accordance with the Stage 6 concept master plan. The subject parking spaces are to be designed and constructed in accordance with Council's Development Control Plan No. 2 – Site Access & Parking Code.
12. Submission of separate development application/s for further development of the proposed residue lot and medium density allotments (proposed lots 113, 169, 171, 172, 173, 174, 175, 176 & 177).
13. The Architectural Design Regulations shall not be included in any legal document to be administered by Council. NOTE: Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;
 - (i) The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.
 - (ii) The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.

Reports from Director Development Services

- (iii) The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.
- (iv) For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.
- (v) All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

- 14. The development shall be completed in general accordance with Figures E403, E404 and E405 prepared by Cardno MBK and dated May 2000, except where varied by these conditions.
- 15. 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.
- 16. No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.
- 17. 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 to the satisfaction of Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- 18. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
- 19. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA2000/681 have been complied with.
- 20. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and stormwater drainage over ALL services on private property.
 - ii. A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such

Reports from Director Development Services

restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

21. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (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.
22. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
23. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
24. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of Council.

The sign is to remain in place until the Subdivision Certificate is issued.

25. It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable', which traverses the subject site, is protected from construction damage.

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.

26. 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.
27. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
28. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

Reports from Director Development Services

Open Space

Casual Open Space

29. The cycleway / walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.
30. Dedication, at no cost, to Council of the local parks (proposed lots 170, 179 & 180). These parks are to be suitably embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover. Details to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment works shall be completed prior to release of the linen plan.

Active Open Space

31. Prior to the release of the Stage 6a linen plans, the applicant shall embellish the active open space Stage 1 Management Lot 10 DP 1014470 to the satisfaction of Council in accordance with detailed plans to be submitted and approved with the Construction Certificate application. Such embellishment shall be in accordance with S.94 Plan No. 19, including, but not limited to:-
 - (a) Being capable of use as playing fields (i.e. level of acceptable geometric shape and drained).
 - (b) Top dressing, seeded and landscaped, including irrigation facilities.
 - (c) Council will also require provision of an amenities block for the structured open space area, with appropriate vehicular parking and pedestrian access.

CONTRIBUTIONS

32. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

Reports from Director Development Services

Stage 6A

a. Tweed Road Contribution Plan:

93 lots @ \$2394 per lot \$222,642.00

Local Contribution

93 lots @ \$554 per lot \$51,522.00

A credit for local contribution will apply in relation to works on these intersections, pursuant to the stage 2, 3 & 4 consents.

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not consumed by the Stage 2 Consent No. K99/1360, Stage 3 Consent No. K99/1733, or Stage 4 Consent No. K99/1732, Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12(a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

$\text{\$Unit}$ 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

b. Street Trees: 93 lots @ \$42.90 per lot \$3,989.70

S94 Plan No. 6

Reports from Director Development Services

- c. Shirewide Library Facilities:
93 lots @ \$300 per lot \$27,900.00
S94 Plan No. 11
 - d. Eviron Cemetery/Crematorium Facilities:
93 lots @ \$126 per lot \$11,718.00
S94 Plan No. 13
 - e. Bus Shelters: 93 lots @ \$23 per lot \$2,139.00
S94 Plan No. 12
 - f. Emergency Facilities (Surf Lifesaving)
93 lots @ \$250 per lot \$23,250.00
S94 Plan No. 16
 - g. Extensions to Council Administration Offices
& Technical Support Facilities
93 lots @ \$344.81 per lot \$32,067.33
S94 Plan No. 18
 - h. Structured Open Space 93 lots @ \$640 per lot \$59,520.00
S94 Plan No. 19
- NB: The works required by Condition No. 31 shall be credited against this contribution for an approved amount in accordance with the provisions of Section 94 Plan No. 19**
- i. Cycleways 93 lots @ \$160 per lot \$14,880.00
S94 Plan No. 22
- NB. Contribution to be credited against cost of works in condition No. 49.**
- j. Community Facilities: 93 lots @ \$497 per lot \$46,221.00
S94 Plan No. 19

33. 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.

Reports from Director Development Services

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 6A

Water: 93 lots @ \$3590 per lot \$333,870.00

Local Section 64 Water Supply levy 93 lots @ \$205 per lot \$19,065.00

Sewer: 93 lots @ \$2970 per lot \$276,210.00

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

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.

FURTHER APPROVALS

34. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

(i) Subdivision Work

In the case of an application for a construction certificate for subdivision work required by this consent:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage

Reports from Director Development Services

- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, NorthPower and Telstra)
- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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.

35. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
36. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount of \$10,000.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of Council.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

Reports from Director Development Services

37. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.
- (i) The following information must accompany an application:
- a) Original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot
Stage 6A- 97 lots @ \$115/lot = \$11,155.00.
 - b) Relevant development consent or complying development certificate
 - c) Detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - d) Evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - e) A certificate of compliance from the relevant water supply authority (where applicable)
 - f) If a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - g) For subdivision involving subdivision works evidence that:
 - (i) the work has been completed, or
 - (ii) agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - (iii) security given to the consent authority with respect to the completion of the work
 - h) Work as Executed Plans for ALL works
 - (ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.
 - (iii) Written evidence from Council that the proposed road/street names have been approved.

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.

Reports from Director Development Services

38. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (i) Compliance Certificate - Roads
- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Sewerage Pump Station/vacuum pots
- (v) Compliance Certificate - Drainage

Note:

- (1). Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
- (2) Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement
- h. Final inspections - on maintenance
- i. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding

Reports from Director Development Services

- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

Sewer Pump Station

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical
- e. Commissioning - on maintenance
- f. Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

- (3) The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
39. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

Note: Where Council carries out works on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

- 40. Prior to the issue of a Subdivision Certificate a maintenance bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

Reports from Director Development Services

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

41. (i) PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

42. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- i. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - ii. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - iii. That the pavement layers have been compacted to RTA specifications.
 - iv. That site fill areas have been compacted to the specified standard.
 - v. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - vi. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
43. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.
44. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

Reports from Director Development Services

ROADS/STREETS

45. Submission of documentary evidence that adequate vehicular access in accordance with Council's 'Access to Property' pamphlet, can be provided to each lot.
46. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition No. 15 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
47. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construction of the roads in the subdivision shall be generally in accordance with Cardno MBK Figures E423 and E423A, except where varied by the table below, and where varied by these conditions.
 - ii. Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
 - iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
 - iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.
 - v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.
 - vi. Roundabouts shall be constructed at the following intersections in accordance with Austroads Pt.6 – Roundabouts;

Road No. 1 and Road No. 7 – Outside circulating diameter to be 30.0m

Road No. 10 and Road No. 7 – Outside circulating diameter to be 28.0m

Road No. 3 and Road No. 5 – Outside circulating diameter to be 28.0m
 - vii. The engineering plan shall provide for bus shelters on Road No. 7 and Road No. 11. The location of these bus shelters shall be determined after consultation by the applicant with the bus operators. The type and style of the bus shelters shall be approved by Council prior to installation and shall be clearly identified on the engineering plans lodged with the Construction Certificate.
 - viii. The crown road reserve along the northern boundary shall be constructed in two (2) sections. On the western section, from the intersection with Catherine Street in an easterly direction, to a point where a minimum of 50 on-street car parking spaces are provided west of lot 500, the road shall have a 7.5m asphaltic concrete pavement, roll over kerb on both sides, and a 1.2m wide concrete footpath on the

Reports from Director Development Services

southern side. For the remainder of its length, sufficient to accommodate 50 parking spaces, the road shall consist of a 13.0m wide pavement, consisting of two (2) x 3.75m traffic lanes, and a 5.5m parking bay. A concrete footpath 1.2m wide will be provided on the southern side of the road reserve, and roll over kerb shall be provided on both sides. The overall roadworks shall extend from the western boundary of lot 500 to the intersection with Catherine Street. Where necessary, the earthworks shall be permitted to batter down into adjoining allotments in Seaside City. The batter slope shall not exceed 1 in 4, and shall be suitably stabilised using vegetation and or other engineering means to prevent erosion. The Construction Certificate application shall provide details of proposed drainage discharge to the north of the crown road reserve, including a lawful point of discharge, and the written consent of affected owners.

- ix. A roundabout shall be constructed at the intersection of the existing Coast Road and the newly constructed Crown road reserve in accordance with Austroads Pt.6 – Roundabouts. The outside circulating diameter shall be 28.0m.
- x. The future connection point for the realignment of the Coast Road shall be Catherine Street.
- xi. Roads 4 and 11 & 2 and 11 shall be through roads and the constructed pavement for Road No. 11 shall be connected at the same level to the constructed pavements of Road No. 4 and Road No. 2. There shall be a pedestrian link between Road 6 and the east / west Crown Road.
- xii. Road 4 and the constructed east west Crown Road (to be constructed pursuant to condition 48 (viii), shall be continuous.
- xiii. Intersection treatment to the satisfaction of the Director Engineering Services shall be provided at the intersection of Road No. 4 and the Crown road reserve. This treatment shall ensure the safety of motorists given the non-conforming intersection spacing between Road No. 4 and a future road in Seaside City.
- xiv. The bulk earthworks and engineering plans shall ensure the continuity of the existing realigned Coast Road is maintained at all times.
- xv. Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads and shall be in accordance with the table below.

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
E423	1	20.0m	9.0m	5.5m (paved footways widths 2.5m north side and 1.5m south side)
E423A	3	20.0m	9.0m	5.5m (paved footway width 1.2m both sides)
E423A	5	16.0m	7.5m	4.25m (single paved footway width 1.2m)

Reports from Director Development Services

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
				width 1.2m)
E423A	6	14.0m	7.5m	3.25m
E423	7	20.0m	11.0m	4.5m (paved footway widths 2.5m on eastern side & 1.5m on the western side)
E423	8	16.0m	7.5m	4.25m(paved footway widths 1.2m both sides)
E423	9	14.0m	7.5m	3.25m(single paved footway 1.2m wide)
E423	10	20.0m	2x5.5m plus 2.0m medium	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 0.0 - 130.0 & ch 480 - 612	18.0m	11.0m	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 140 - 480	16.0m	9.0m	3.5m(paved footway width 1.5m both sides)
E423A	12	14.0m	7.5m	3.25m(single paved footway 1.2m)
E423A	13	20.0m	9.0m	5.5m(paved footway width 1.2m both sides)

48. All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
49. i. All cycleway, walkways and coastal walkway/cycleways shall be designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleway (Element 1.4 and PND17), and construction in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.
- ii. Pursuant to Section 94 Plan No. 19 and to be consistent with Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 6 as shown on Map 5 contained within Section 94 Plan No. 19.
- iii. Alternatively, the developer may, in the case of residential frontage footpaths, pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

Reports from Director Development Services

- iv. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
50. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.

DRAINAGE/FLOODING

51. All fill of new residential lots is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application.
52. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.
53. All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.
54. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
55. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
56. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
57. Prior to final acceptance of the Stormwater system and release of the maintenance bond a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.
58. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The

Reports from Director Development Services

sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.

59. 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.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

60. (a) For the purpose of this condition “trunk drainage” shall be defined as:
- (i) The “trunk drainage” defined in the consent conditions of DAK99/1733 (Casuarina Beach Stage 3, being the drain along the coastal frontage of Stage 3 to the south east corner of proposed lot 82 in Stage 3 and the east/west continuation of this drain, downstream to Controlled Outlet No. 11 as generally located on Cardno MBK Figure E216 Rev B. The ultimate point of discharge for this part of the development shall be Controlled Outlet No. 11.)
 - (ii) The drainage paths between the east draining stormwater outlets from proposed stage 6 and the coastal frontage drain included in (i) above.
 - (iii) No stormwater runoff shall be discharged to the west of the realigned Coast Road, other than from half the width of road 3.
- (b) The ultimate lawful point of discharge for east flowing stormwater runoff from this application shall be controlled outlet No. 11.
- (c) Trunk drainage shall be designed to convey Q100 stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council or easements created. In the section between proposed lot 70 of stage 3 and Controlled Outlet No. 11, the land to be dedicated (or easement) shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to all weather, two wheel drive standard.
- (d) The trunk drainage along the coastal boundary, and elsewhere, shall be designed to accommodate Q100 (no infiltration) flows with a minimum 300mm freeboard. Separate approval is required for any drainage along the coastal boundary that requires filling or any other ancillary works on adjacent land. Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.

Reports from Director Development Services

61. The subject land shall be shaped in general accordance with Cardno MBK. Revised Final Levels – 6a, as attached to the letter from Cardno MBK dated 25 July 2000 as limited by Figure E426 “Bulk Earthworks” except as follows;
- (i) The levels adjacent to the Crown Road at the northern end of the subdivision shall not vary from the existing levels by more than approximately 500mm (the Crown road on the northern boundary may be converted to public road, formed and drained to achieve this) and;
 - (ii) Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls (and any necessary ancillary or drainage works) shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjoining land. Plans and specifications of the retaining walls and ancillary works and the written approval of the adjacent landowner shall be submitted with the construction certificate application.
- NB. As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping and draining of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any landforming activity that may adversely affect adjoining land.
- (iii) Provision shall be made to ensure surface runoff does not discharge onto lot 500 or other adjoining land, except where required by Condition 48(viii).
 - (iv) Provision shall be made to accept up to Q100 natural or existing surface runoff from adjacent land that discharges onto the subject land.

62. Permanent Stormwater Quality Treatment

(A) Stormwater Quality Objectives

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development”. New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3”.

“Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

Reports from Director Development Services

Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak."		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(B) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients, and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(C) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
- ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
- iii. The infiltration rate for infiltration devices shall be determined as follows
 - (i) Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994 - Disposal Systems for Effluent from Domestic Premises.
 - (ii) If the above calculation yields a result <6m/day, this rate may be used for design.

Reports from Director Development Services

- (iii) If the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day

(D) Specific Requirements

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E – Tweed Shire Council, Aus-pec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

- (i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
- As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs.
 - Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (ii) Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels

Note: Swales are not preferred as a substitute for kerb and gutter

- where on street parking is required, unless cars can be excluded from swale area
- on roads serving small lots with numerous driveways
- where gradients are $<1\%$ or $>5\%$)

Reports from Director Development Services

- (iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area.
 - (iv) Infiltration basins (ref 5.6) shall be provided for west flowing runoff prior to discharge from outlets on residue lot 113. The applicant shall ensure infiltration of runoff from all contributing stormwater for flows of up to 40% of ultimate Q_{1 year}. Infiltration basin sizing shall be determined on a catchment basis. For the purpose of this consent a "catchment" shall be the total area draining controlled outlet No. 11. The infiltration basins shall be contained within reserves to be dedicated to Council. As an interim measure the infiltration basins for west flowing runoff may be located in easements, pending finalisation of the layout for all of stage 1 management lots 6 and 7. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Director of Environment and Community Services.
 - (v) Infiltration basins are to consist of raw dune sand with an minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.
63. Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
64. This condition refers to proposed lots 169,171,172,173,174, 175,176, 177 and 178.
- Prior to the issue of any Subdivision Certificate the following shall be required;
- (i) Sufficient permanent infrastructure must be constructed in the subdivision that creates these lots so that they may be capable of being developed to their ultimate capacity by subsequent applicants without any requirements for provision or augmentation of external infrastructure. All proposed infrastructure that crosses the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.
 - (ii) These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer

Reports from Director Development Services

than 40m is discharged to these inlets. Provision shall be made outside the lots for acceptance and transport of ultimate and interim Q100 flows from the lots.

- (iii) Where infrastructure required to serve a future development lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure (and necessary access roads to such infrastructure).
- (iv) Any public utilities currently located in these lots are to be either relocated to public land or easements created over the existing alignments

SERVICES

Sewer

- 65. The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.
- 66. i. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

- ii. Any Sewerage Works required by the Stage 1 Consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services PRIOR to release of the linen plan.

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.

- 67. Prior to final acceptance of the Sewer system and release of the maintenance bond a CCTV inspection of the sewer pipes will be required to demonstrate that the standard of the sewer system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

Water

- 68. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Reports from Director Development Services

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.

69. The applicant shall lodge with the Construction Certificate application for stage 6A a detailed demand analysis for the proposed pipe network, which clearly shows that peak demand and fire fighting requirements are satisfied.
70.
 - (i) The existing 250dia. water main as shown on Figure E422 shall be upgraded to a 450dia water main generally in accordance with the Statement of Evidence Report on Water Supply Infrastructure prepared by P.N. Casey and dated September 1998.
 - (ii) No individual house connections shall be allowed to this 450dia trunk main. A separate reticulation water main suitably sized shall be required to service allotments.
 - (iii) At least one (1) week prior to the decommissioning of the 250dia water main and the commissioning of the 450dia water main, the applicant shall notify all affected residents of the disruption to their water supply. The Director Engineering Services shall approve the notification program. Council shall supervise all works at the applicant's expense.

Telephone

71. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply, prior to issue of a Subdivision Certificate.

Electricity

72.
 - i. The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and
 - ii. Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights are to be capable of being energised following a formal request by Council. The proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) are to be submitted with the Construction Certificate Application.

ENVIRONMENT PROTECTION

73. 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.
74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
75. 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.

Reports from Director Development Services

76. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
77. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
78. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
79. 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.
80. Construction site work including the entering and leaving of vehicles is to be restricted to between 6.00 am and 8.00 pm Monday to Saturday and no work on Sundays, providing that no residential premises are adjacent to the site, in which case, construction times are to be restricted to 7.00am to 7.00pm Monday to Saturday.
81. 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.

Reports from Director Development Services

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.

82. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- A. i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- ii. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
- iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

- B. The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

83. 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 Council.

84. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

Reports from Director Development Services

85. i. Submission of documentary evidence that Part V Approval has been obtained for those works to be undertaken in accordance with the Dune Management Plan and Lot 500 Management Plan required by Consent S96/135 issued by the Land and Environment Court on 10 December, 1998.
- ii. The Dune Management Plan and Lot 500 Management Plan prepared by Aspect North and dated 29 May 2000 shall be implemented in accordance with any Part V Approval obtained pursuant to Condition 87(i) to the satisfaction of Council.
86. In accordance with Condition 34 of Consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any management lot, all existing bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.
87. PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.
88. The applicant shall add to the submitted Acid Sulfate Soil Management Plan (page 8), the following requirement:- *'Council will be informed within 7 days of any non-compliant results, particularly in relation to exceedances of the nominated range for each water quality parameter'*.
89. In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letters dated 24 May, 2000 and 1 August 2000, the following requirements shall be complied with:-
- i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.
- ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.
- iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, a tree of similar size shall replace it, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.
- iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.
- v. In respect of the north-western area, as identified in the Gunninah report and pursuant to the requirements of the National Parks & Wildlife Service, clearing is to be deferred for a period of four (4) years from 1 July 1999, or an alternative

Reports from Director Development Services

biological timeframe to be agreed between the applicant, NPWS and Tweed Shire Council.

- vi. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.
90. Compliance with the following condition imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-
- a. The proposal shall not provide for beach access for vehicles or pedestrians from either the carpark or from the public walkway / cycleway, unless such access is consistent with a management plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land & Water Conservation

Reports from Director Development Services

REPORT:

Applicant: Kings Beach Project No. 2 Pty Ltd (Consolidated Properties)
Owner: Lenen Pty Ltd
Location: Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff
Zoning: Part 2(e) Residential (Tourist) and Part 7(f) Environmental Protection (Coastal Lands Zone)
Est. Cost: \$3,89 million

BACKGROUND

Council has received a development application (DA0681/2000DA) for the subdivision of the subject land into 97 lots, consisting of 93 residential lots, 1 residue lot and 3 open space lots. The proposed subdivision is located over Management Lots 5, 6 and 7 as approved under the Stage 1 consent. The proposal also incorporates the 'Richtech' site. A flora and assessment accompanies this application. The site was zoned Residential/Tourist in 1989 for urban development following the preparation of the South Kingscliff Study.

Whilst it is acknowledged that the proposal is generally consistent with the relevant requirements and is considered unlikely to create any significant adverse impacts, a number of issues have been identified.

The northern boundary of the subject site adjoins an unformed crown road reserve, which in turn adjoins the 'Seaside City' site, presently in the ownership of Lenen Pty Ltd. Engineering plans accompanying the subject application incorporated the erection of a 2.0 to 2.5m high retaining wall along the majority of this boundary. In this regard, concern exists in relation to future pedestrian and vehicular connectivity with the 'Seaside City' site and the adequate collection and disposal of hydraulic flows. Pedestrian and vehicular connectivity concerns are also identified in other areas of the proposed development. The applicant has attempted to address those concerns relating to the northern property interface via the submission of amended engineering details, however, a number of issues in this regard, remain in dispute. These issues are discussed in more detail throughout the report.

The following is a history of development consents relating to the entire Kings Beach site.

- On 16 December 1998, the Land and Environment Court issued development consent S96/135 for the subdivision of the subject land into 14 lots and the carrying out of Stage 1 works. It is considered that all relevant conditions of development consent S96/135 have been satisfied or can otherwise be addressed by the recommended conditions.
- On 31 May 2000, Council resolved to grant consent (K99/1360) for the subdivision of management lots 1, 2, 12 and parts of 3, 9 and 13 into 82 lots at the Kings Beach site. This is otherwise known as Stage 2.
- On 31 May 2000, Council resolved to grant consent (K99/1733) for the subdivision of management lots 5, 7, 14 and part 13 into 86 lots at the Kings Beach site. This is otherwise known as Stage 3.

Reports from Director Development Services

- On 31 May 2000, Council resolved to grant consent (K99/1732) for the subdivision of management lots 3, 4, 9 and part of 13 into 101 lots at the Kings Beach site. This is otherwise known as Stage 4.
- On 29 May 2000, Council received development application/s DA2000/680 (Stage 5) and DA2000/681 (Stage 6). Stage 6 is the subject of this report. Stage 5 is the subject of a separate report.

Consent S96/135 (Stage 1)

As previously discussed the Land and Environment Court issued consent for the subdivision of the subject land into 14 lots and the carrying out of Stage 1 works.

Conditions of consent S96/135 which affect this application are discussed below:-

“A (i) *The subdivision of the land into 14 lots as shown generally on the Subdivision Plan*”.

Comment:

The application is generally consistent with the Subdivision Plan.

“A (iii) *The development of the management lots for the purposes of low and medium density residential, retail, commercial and tourist development together with associated and related uses and facilities generally in accordance with the Development Plan*”.

Comment:

The Stage 6 Development Master Plan is not the same as the Development Plan but is considered to be “generally in accordance” with same.

The Kings Beach Concept Master Plan submitted with the development application is not the same as the Development Plan approved by the Court. The Kings Beach Concept Master Plan includes the ‘Richtech’ coastal site. The stage 1 consent has been modified to reflect the inclusion of this land.

“1. *The total population yield from the development of the Management Lots in accordance with the further development consents referred to in Condition 2 shall be based upon the following estimates:*

<i>Lots</i>	<i>Population</i>
<i>1</i>	<i>550</i>
<i>2</i>	<i>620</i>
<i>3</i>	<i>1100</i>
<i>4</i>	<i>700</i>
<i>5</i>	<i>1520</i>

Reports from Director Development Services

6	400
7	710
Total	5600

Comment:

This application does not achieve the identified population yields for management lots 5, 6 and 7. The estimated population yields in the Stage 1 consent for management lots 5, 6 and 7 is 2,630 persons. The subject application will only result in a population yield of 245 persons, which is well below the provisions of the DCP. In addition, the proposal also includes the Richtech Land (Lot 1 DP 811425), which has not been included in the population yields in the above table or in the DCP and Section 94 Plan (See section (iii) of this report under DCP11 - Kings Beach for further comments on this issue). The DCP11 and Section 94 Plan should be amended to reflect the above figures in the event that Council approves this development application.

- “3. *The development shall be carried out generally in accordance with the Development Plan, except where varied by these conditions*”.

Comment:

See A(i) above.

- “18 (iv) *A report detailing water sampling results from the surface water and groundwater monitoring programs shall be submitted to Council prior to the commencement of any new stage of the development, including details of any relevant previous failure to meet water quality discharge objectives or standards. The report shall include a recommendation as to any proposed amelioration works required to be implemented to rectify the said failures and shall further include an indication as to whether the development may satisfactorily proceed.*”

Comment:

A Water Quality Monitoring and Management Program has been submitted for this application and is to the general satisfaction of the Environment and community Services Division.

- “32. *The following controls shall apply to dog and cat ownership and a restriction as to user shall be created on the Management Lots under Section 88B of the Conveyancing Act, 1919-1964 in the following terms:*

- i. *No property owner shall have more than one dog or one de-sexed cat;*
- ii. *Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and that any owners of cats within the development be restricted to one de-sexed cat per allotment and to have their cats restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.*

Reports from Director Development Services

- iii. *No dog to be registered without the construction of a dog-proof compound, which must be approved by Council and the relevant fee paid by the applicant.*
- iv. *No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.*

This section 88B Instrument shall make provision for amendment, revocation or variation of restriction required by this conditions only with the approval of Council as the authorised authority.”

Comment:

This condition should be imposed on any consent for this application.

“34 Prior to issuing a construction certificate for future development of any Management Lot, all existing Bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof”.

Comment:

This condition should be imposed on any consent for this application.

“35. A Dune Management Plan shall be prepared to the satisfaction of the Director of Development Services in respect of the Fore-dune lands adjoining the Land and be submitted in conjunction with the Part XII Engineering Plans”.

Comment

A Dune Management Plan has been submitted and approved by Council and the Department of Land and Water Conservation.

Consent under Part V of the Environmental Planning & Assessment Act, 1979, is required for the works proposed in the Dune Management Plan. To date, no approval has been received for the works proposed by the Dune Management Plan. It is therefore considered that any consent should be conditioned to require the applicant to demonstrate that approval under Part V has been obtained.

“38. The land shown on the Subdivision Plan as Lots 8, 9, 10, 11, 12, 13 and 14 shall be dedicated to the Council as public open space at no cost in conjunction with registration of the linen plan of subdivision creating the allotments”.

Comment:

These lots were dedicated at the time of the stage 1 linen plan release and registration on 26 June 2000.

“39a The proposed regional coastal walkway/cycleway within Land zoned 7(f) as shown on the Development Plan shall be constructed generally in accordance with detailed engineering plans to be submitted prior to the release of the Stage 1 linen plans of subdivision and approved prior to work on the said walkway/cycleway commencing”.

Reports from Director Development Services

Comment:

The coastal walkway/cycleway shown on the application plans are located over the Richtech site, which was not part of the stage one (1) consent. The proposal is however, generally consistent with the concept master plan. Although final engineering plans for the cycleway/walkway have not been submitted, this does not preclude approval of this development application subject to appropriate conditions.

39b Construction of each section of walkway/cycleway immediately east of any management lot shall be completed prior to the release of the linen plan for future subdivision of the respective management lot”.

Comment:

This condition should be imposed on any consent.

“39c Notwithstanding the previous paragraph the walkway/cycleway adjacent to Lots 1, 2, 3, 4, 5, and 7 must be completed within four (4) years of the release by Council of the linen plan of subdivision for Stage 1 or the re-subdivision of the management lots or immediately following construction of the cycleway/walkway from Cudgen Headland to the northern boundary of the land, whichever occurs first”.

Comment:

This will be included as a condition on any consent for this application.

“39e The design of the walkway shall be integrated with any adjacent proposed car parking areas and beach access points and shall extend for the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the written approval of the Reserves Trust”.

Comment:

Any consent will be conditioned appropriately.

“39f The application and/or owner shall prepare and submit a plan for the approval of the Director of Development Services within 6 months of the release of the linen plan for Stage 1, for the embellishment works on Lots 12, 13 and 14 and such plan shall provide for:

- (i) removal of bitou bush and other noxious weeds.*
- (ii) rehabilitation of the area consistent with the Dune Management Plan referred to in Condition 35 of the Consent Orders and good practice in this regard.*
- (iii) provision of adequate and appropriate security lighting for users of Lots 12, 13 and 14.*
- (iv) provision of suitable related day visitor facilities, generally consistent with drawings contained in Appendix E to the statement of Environment Effects”.*

Reports from Director Development Services

- “39g (i) *A schedule for the implementation of the embellishment works including the relationship between the works set out in f(iii) and (iv) to the development of any management lots shall be submitted and approved by the Director, Development Services as part of the plan referred to in Condition 39(f).*
- (ii) *The embellishment works required by Conditions 39(f)(i-iv) shall be completed within four (4) years of the release by Council of the linen plan of subdivision for Stage 1.*
- (iii) *If the walkway/cycleway or any part thereof is constructed in accordance with Condition 39(b) then the embellishment works referred to in this condition or in Condition 39(f)(i-iv) shall be carried out concurrently in respect of Lots 12, 13 and 14 in which the walkway/cycleway is constructed.*
- (iv) *If at the time of sale by Lenen Pty Ltd of any of lots 1 to 5 and 7 and the embellishment works referred to in Condition 39(f)(i-v) have not been completed in Lots 12, 13 and 14 as those lots are immediately east of the management lot as then sold the applicant shall provide in respect of those embellishment works a bond equivalent to the cost of those works plus 20%”.*

Comments:

It is considered that the requirements of conditions 39(f) and 39(g) can be adequately conditioned on any consent for this application.

- “41(a) *Any development application with respect to any of the Management Lots shall provide for the planting of not fewer than the number of Banksia integrifolia shown in the Table hereunder against each such lot and totalling not less than 5400 stems provided that those numbers shall be reduced so that they total the difference between 14000 and the total number of stems planted pursuant to condition 40 (where they total more than 8600).*

To avoid the potential for a Banksia monoculture, the numbers of Banksias proposed for replanting shall include a proportion of other relevant flowering native species depending on the location for replanting. These other relevant species shall be of a type that provides a food source for the Queensland Blossom Bat. Approximately 20% of the planting shall comprise other relevant flowering species.

Reports from Director Development Services

<i>Lot No</i>	<i>Compensatory Planting (stem numbers)</i>
<i>1</i>	<i>690</i>
<i>2</i>	<i>382</i>
<i>3</i>	<i>1256</i>
<i>4</i>	<i>1232</i>
<i>5</i>	<i>1435</i>
<i>6</i>	<i>49*</i>
<i>7</i>	<i>356</i>
<i>Total</i>	<i>5400</i>

Comments:

An extract from the report on the “Impact on Common Blossom Bat Habitat for Stage 2 Development” prepared by James Warren and Associates is provided as follows:

15000 trees have been planted in accordance with the Vegetation Management Plan. Plantings have predominantly been undertaken on Management Lot 8 (west of the new Coast Road) and the Richtech land in the areas defined in the Amelioration plan”.

Based on advice from NPWS dated 16 May 2000, this condition has been satisfactorily complied with, subject to a minimum of 300 Banksias being planted in each Management Lot. An appropriate condition is applicable in this regard. See further comments in relation to Condition 41(d), 46 and 47.

“41(c) *The Applicant shall within 6 months of the date of this consent provide to the Council and the National Parks and Wildlife Service an estimate of the number of productive inflorescences that are within the site of the relocated Coast Road and the Management Lots at that time.*”

“41(d) *Where an application is made for consent to the development of a Management Lot within 8 years of the completion of the planting referred to in Condition 40, the applicant for such consent shall be required, prior to such a consent being granted, to satisfy the National Parks and Wildlife Service that the removal of any Queensland Blossom Bat foraging resource from that Management Lot will not unduly reduce the total productive inflorescences referred to in (c) above or that such removal may proceed notwithstanding any such reduction”*

Comment:

A report on the “Impact on Common Blossom Bat Habitat for Stage 2 Development” prepared by James Warren and Associates Pty Ltd dated September 1999, accompanied the stage 2, 3 and 4 applications. A copy of this report was sent to the NPWS for assessment and comment. In

Reports from Director Development Services

summary, NPWS approved the selective removal of habitat in Stages 2, 3 and 4 in accordance with condition 41(d), subject to further conditions, which were included in the consents for stages 2, 3 & 4, along with being relevant to the subject application. The subject application (stage 6) primarily incorporates the development of lands, which were previously subject to assessment under the stage 3 application. Accordingly, NPWS have advised Council that for the purposes of this application (stage 6), the provisions of condition 41(c) and (d) have been satisfied. A copy of this letter, dated 1 August 2000 is incorporated into this report.

- “46. *Monitoring of the plantings in condition 40 shall occur every three months for the first year and thereafter at six monthly intervals unless otherwise agreed. A monitoring report shall be produced every six (6) months and shall make recommendations regarding any ongoing modifications to the Planting for the approval of the Director of Development Services based upon advice from the National Parks and Wildlife Service. These recommendations shall include the need to replace any unsuccessful plantings up to four years after initial planting and which may have been unsuccessful or destroyed. The NPWS and DDS reserve the right to inspect progress at any time.*
47. *No approval shall be granted for development of any Management Lots unless the monitoring reports referred to in Condition 46 are sufficient to satisfy the Director of Development Services based upon advice from the National Parks and Wildlife Services that the plants are maturing in accordance with the programme set out in the Vegetation Management Plan. Each subsequent development application will detail the locations, timing and methodology of any further plantings proposed in accordance with Condition 42 above”.*

Comment:

The applicant has submitted two (2) Monitoring Reports dated 15 September 1999 and 5 May 2000. Both of these reports were to the satisfaction of the NPWS.

In view of the NPWS comments in relation to Condition 41(d) and having regard to the recommended conditions arising from the NPWS letter of 16 May, 2000, 24 May, 2000 and 1 August 2000, the Director of Development Services is satisfied that conditions 46 and 47 have been complied with to a sufficient extent to enable the Stage 6 application to be determined.

- “49. *The applicant shall have prepared a Environmental Plan of Management by a suitably qualified person in conjunction with the Dept. of Land and Water Conservation and the Director of Development Services in respect of so much of Lot 500 as adjoins the Land that addresses any potential impacts on any threatened species, eg., oystercatchers, Little Terns and turtles, found using the beach and foredunes. This plan shall consider the exclusion of the public, domestic pets, feral animals, and four wheel drives from any detected nesting or roosting areas and the replanting of the dunes with suitable native vegetation including Banksias.”*

Comment:

See comments for condition 35.

Reports from Director Development Services

Deed of Agreement

The terms of the Deed of Agreement for the Stage 1 consent, which affect the proposed Stage 6 application, are discussed below:

“2.2 Richtech shall execute a transfer to the Council of the Amelioration Land for the amount of \$1 within 28 days of the Consent becoming operational pursuant to the Act. The transfer shall not be registered by the Council and shall be held in escrow until the Amelioration Land has been dedicated to Council pursuant to the Section 94 Plan whereupon the said transfer shall be cancelled and returned to Lenen.”

Comment:

The amelioration land has not been transferred to Council, however this would not preclude determination of this application.

“2.7 Council shall not object to the closing and transfer to Lenen of any reserved roads within the Development Land which are rendered unnecessary by the Development, subject to alternative legal access being made available when any closing would sever public access to the beach or Lot 8. The Council will cooperate with Lenen in any application by Lenen to close the said roads.”

Comment:

A Crown Public Road affects the subject land, however no lots are proposed over this area. Any future development application for subdivision on the Crown Road will require this road to be closed.

DESCRIPTION OF THE PROPOSAL

The subdivision application seeks development consent for the subdivision of the land at Casuarina Beach identified as management lots 5, 6, 7 and the ‘Richtech’ site. The proposal is to subdivide the land into 97 lots consisting of 93 residential lots, one (1) residue lot (proposed lot 113); and three (3) open space lots (proposed lots 170, 179 and 180).

CONSULTATION

This application was referred to the following Government Authorities.

1. National Parks and Wildlife Service (NPWS)
2. Department of Urban Affairs and Planning (DUAP)

A summary of the Government Authority submissions is provided below with comments where appropriate.

1. National Parks and Wildlife Service

The subject application was accompanied by a flora and fauna assessment in relation to the stage 6 proposal. This report, together with the application was sent to the NPWS for assessment and comment where relevant. NPWS provided Council with a formal response on 27 July 2000. The

Reports from Director Development Services

NPWS comments are provided below in summarised form, with comments provide where appropriate.

The NPWS identified concern over the removal of additional habitat for the Queensland Blossom Bat as a result of the proposed development and that no additional amelioration measures are proposed, over and above what was considered satisfactory for the stage 2, 3 and 4 consents. In this regard, NPWS suggested that the applicant and Council should consider appropriate amelioration measures, including the deferral of additional areas from development. NPWS also identified concerns in relation to the likely impacts of the proposal in relation to populations of Marine Turtles and Glossy Black Cockatoos and the provision of adequate east-west habitat connections. The letter also discussed the adequacy of proposed fire mitigation measures and the potential impact of the proposal in relation Cudgen Creek, neighbouring SEPP 14 areas, coastal erosion, aboriginal heritage and NPWS estate. The NPWS did not indicate that the application was considered satisfactory pursuant to the provisions of condition 41(c-d) of the stage 1 consent.

It is pertinent to note that the issues raised by NPWS in this letter, were done so in the belief that the proposed stage 5 and 6 developments were entirely separate from the stage 2, 3 and 4 developments.

Upon receipt of the above response, Council officers advised the NPWS that the proposed stage 5 and 6 developments were in fact located within those lands subject to assessment under the stage 3 and 4 applications, and that no further habitat disturbance is proposed other than what has already been agreed to pursuant to the stage 3 and 4 consents. In light of this, NPWS were invited to review their assessment of the stage 5 and 6 applications.

Council received a revised response from NPWS on 1 August 2000. This response is outlined in summary below:-

“The NPWS agrees that the boundaries of the proposed Stage 5 are contained within the boundaries of Stage 4 and that the boundaries of the proposed Stage 6 is, generally, within the boundary of Stage 3. The anomaly in the case of Stage 6 is that it is partially located on management lot 6, which is excluded from the Stage 3 development consent.

In view of the above, the NPWS will not be pursuing the deferral of any areas additional to those agreed at the meeting of 22 March 2000 and depicted in the accompanying attachment. In consideration of NPWS role under Condition 41(d) of the Stage 1 consent order please be advised that the Stage 5 DA is satisfactory and that the Stage 6a component of the Stage 6 DA is satisfactory. It is understood that Stage 6b has been withdrawn pending the finalisation of a survey of the boundaries of the deferred areas depicted in the attachment.

In correspondence dated 24 May 2000, NPWS recommended a variation to the consent conditions proposed for Stages 2, 3 & 4 to which Council generally agreed. It is recommended that these consent conditions also apply to Stages 5 & 6, thereby ensuring a consistent approach to the Das that area lodged over lands covered by development consents for previous stages of the development.

Comment

Having regard to the above NPWS comments, it is now considered that Condition 41(d) of Consent S96/135 is satisfied subject to the imposition of the same conditions imposed upon the stage 2, 3 &

Reports from Director Development Services

4 consents as outlined in the NPWS letter dated 1 August 2000. It is also considered that NPWS have no objection to the proposed development.

2. Department of Urban Affairs and Planning

The application proposes the subdivision of the land within the 7(f) zone to create a public road and public car parking spaces (75 spaces). Pursuant to Clause 27 of Tweed Local Environmental Plan 2000, the development requires the concurrence of the Director of DUAP.

DUAP provided Council with the following response on 3 August 2000:

“Concurrence has been granted, pursuant to clause 27(2) of Tweed LEP 2000, to development being car parking, roads, walkway / cycleway and infiltration ponds as described in Figure E24 of the Engineering Statement by Cardno MBK submitted with the application.

Concurrence is conditional upon there being no beach access for vehicles or pedestrians from either the carpark or from the public walkway / cycleway, unless such access is consistent with a management plan which covers the public foreshore areas and is agreed to by both Council and the Department of Land & Water Conservation”.

The above condition should be incorporated into any consent given.

Comment:

The primary objectives of the 7(f) zone are as follows:-

- “(1) To identify lands susceptible to coastal erosion and protect them from inappropriate development;*
- (2) To protect and enhance the scenic and environmental values of the land”.*

It is considered that the proposed public road and parking facilities are generally consistent with the objectives of the zone. Given that the concurrence of the Director-General has been received and that no significant adverse impacts are considered likely to occur, approval of the application is recommended.

Reports from Director Development Services

FIGURE 1 – SITE DIAGRAM

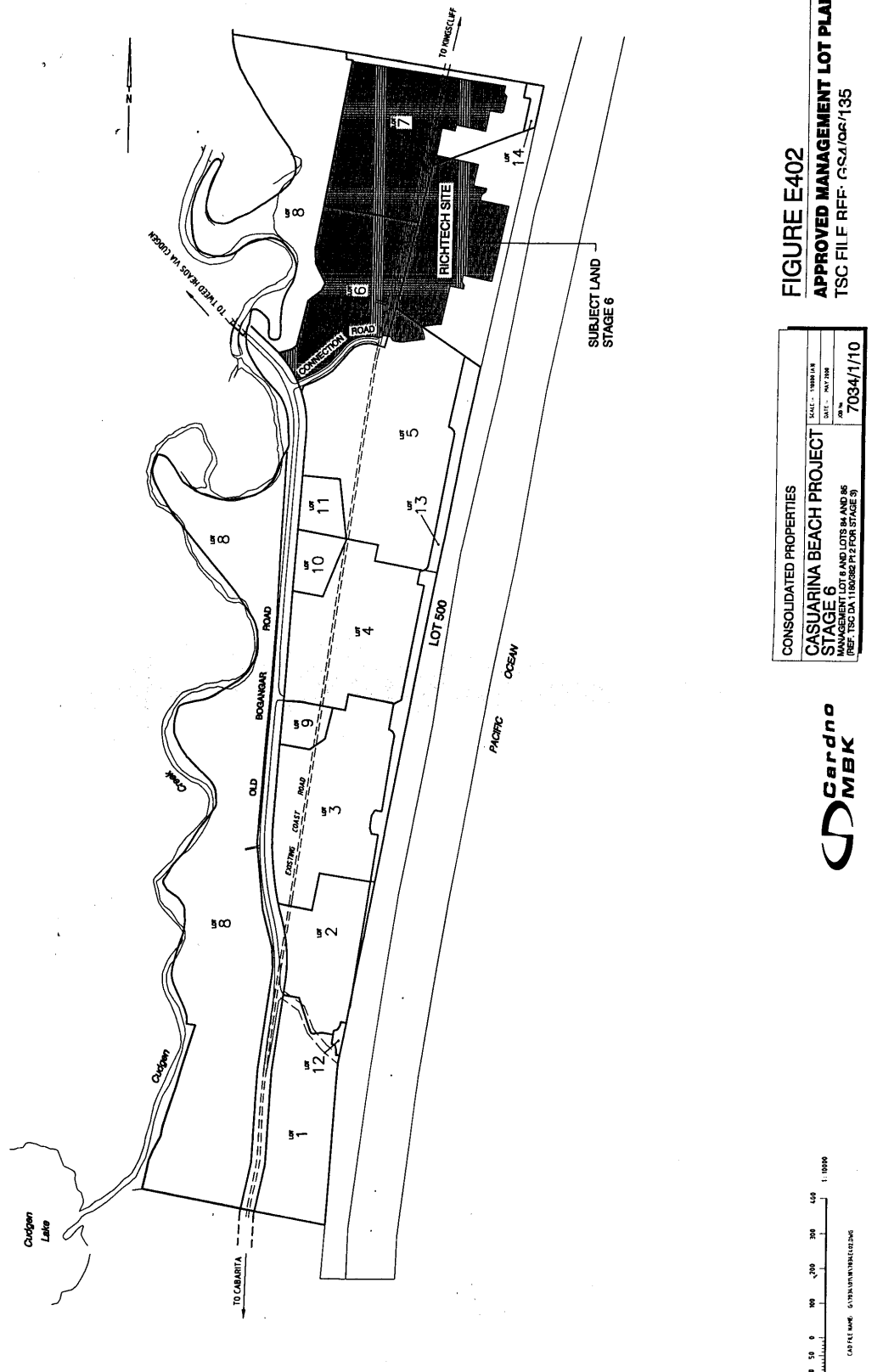


FIGURE E402
APPROVED MANAGEMENT LOT PLAN
TSC FILE REF: G.S.4/06/135



Reports from Director Development Services

EVALUATION

A complete assessment of the application against the matters for consideration under Section 79C(1) of the Environmental Planning & Assessment Act, 1979 is provided below.

(a) (i) Planning Instruments

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned Part 2(e) Residential (Tourist) and Part 7(f) Environmental Protection (Coastal lands). The proposed development is permissible with the consent of Council.

There are a number of clauses in TLEP 2000, which require consideration. These are discussed below.

Clause 17 - Social Impact Assessment

The objective of this clause is to ensure proper consideration of development that may have a significant, social or economic impact. In this instance, it is considered that this proposal will contribute to a significant social or economic impact.

This clause also provides that when Council considers that a development is likely to have a significant social or economic impact in the locality or Shire, as the case may be, the Council may only grant consent to the development if it has considered a social impact statement in respect of the proposed development.

A social impact statement has not been provided with this application.

The application indicates that the impacts of the proposed development have already been addressed as part of the development application that culminated in the Consent Order S96/135.

It is considered that a Social Impact Assessment is not necessary as this application is generally consistent with the Stage 1 consent and some positive economic and social impacts will result.

Clause 22 - Development near Designated Roads

The Coast Road is a designated road and the subject site has frontage to the Coast Road.

Clause 22(4) provides as follows:

“(1) The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

- (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*

Reports from Director Development Services

- (b) *the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*
- (c) *the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*
- (d) *where the land is in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and*
- (e) *the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and*
- (f) *the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and*
- (g) *where practicable, access to the land is provided by a road other than the designated road, and*
- (h) *in respect of any application for commercial or retail development near the Pacific Highway in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development:*
 - (i) *would not compromise the Highway's function as the North Coast's primary inter- and intra-regional road traffic route, and*
 - (ii) *would not contribute to the need to expend public money on the Highway to overcome the effects of ribbon development, and*
 - (iii) *would not compromise highway safety and efficiency, and*
 - (iv) *would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway-orientated site."*

The application proposes only one access directly off the new Coast Road. The access point from the Coast Road was constructed as part of Stage 1 of the development.

Accordingly, it is considered that the proposal is acceptable in terms of traffic planning and the efficiency of the Coast Road. With the exception of proposed residue Lot 113, no residential lots are proposed adjacent to Coast Road. Further assessment will be required upon receipt of any future applications for development in relation to the proposed residue lot.

Reports from Director Development Services

Clause 27 - Development in Zone 7(f) Environmental Protection (Coastal Lands)

As discussed in the consultation section of this report, the application proposes the construction of a road and public parking spaces within 7(f) zoned land.

DUAP have granted concurrence and taking into account the applicant's submission and details on fencing and landscaping in the 7(f) zone and given that no buildings are proposed in this zone, it is considered that the proposal is satisfactory.

Clause 29 - Development adjacent to Zone 8(a) National Parks and Nature Reserves

The development site is not adjacent to any National Parks and Wildlife Reserves.

Clause 35 - Acid Sulfate Soils

The applicant has submitted an acid sulfate soil management plan, which is to the general satisfaction of Council's Environment and Community Services.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 15 - Wetlands and Fisheries Habitat

This clause provides that Council shall not consent to an application to carry out development within, adjoining or upstream of a coastal or inland wetland or fisheries habitat area or within a drainage catchment area of a wetland or fishery area unless it has considered the following matters:-

- a. the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat;
- b. the need to conserve the existing amateur and commercial fisheries;
- c. any loss of habitat which will or is likely to be caused by the carrying out of the development;
- d. whether an adequate foreshore reserve is available and whether this is adequate public access to that reserve;
- e. whether development would result in pollution of the wetland or estuary and any measures to eliminate pollution;
- f. the proximity of aquatic reserves dedicated under the Fisheries Management Act, 1994 and the effect the development will have on the reserves;
- g. whether the quality is in an area of protected land as defined in Section 21AB of the Soil Conservation Act, 1938 and any measures to prevent soil erosion;
- h. the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved;
- i. the recommendations of any environmental audit or water quality study prepared by the Department of Water Resources or the Environment Protection Authority in relation to the river, stream, wetland area or catchment.

Reports from Director Development Services

In regard to the above matters the following comments are provided:-

- (a)-(c) The application is supported by a water quality management and monitoring program, a erosion and sedimentation control plan and a acid sulfate soil management plan. These plans are satisfactory and should ensure that the quality of the water and habitat in and near Cudgen Creek is not significantly impacted upon.
- (d) There will be no affect on access to the foreshore of Cudgen Creek.
- (e) See comments in relation to (a-c) above.
- (f) There are no known aquatic reserves located in proximity to the site.
- (g) Cudgen Creek is not identified in the area of protected land.
- (h) The proposal will not result in the removal of vegetation along the water course.
- (i) There have been no recent environmental audits or water quality studies by the Department of Water Resources or Environment Protection Authority containing recommendations to the river, streams, wetland area or the catchment.

WBM Oceanics Australia prepared a Estuary Management Plan for Cudgen Creek on behalf of Tweed Shire Council, dated August 1997.

The Management Plan for Cudgen Creek has been prepared, taking into account habitat enhancement/conservation options, urban development, water quality, bank stability and opportunities for increased recreational usage of the Creek. The Management Plan is supported by technical analysis of specific issues, assessment of environmental benefits/debits and the need for further studies required to implement works. Additionally, priorities and costings to undertake the management actions described in the Management Plan are provided.

It is considered that the proposal is generally consistent with the principles of this plan.

Clause 29A(1) - Natural Areas and Water Catchment

This clause provides that Council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpments preservation zones unless it is satisfied that:-

- a. the wildlife habitat will not be significantly disturbed by the proposed development,
- b. the scenery will not be adversely affected by the proposed development, and
- c. an erosion and sedimentation control plan will be implemented which will successfully contain on the site any erosion and sediment caused by the development.

Reports from Director Development Services

As discussed, the proposed public road and parking spaces are partly located within the 7(f) zone. This is adjacent to the proposed foreshore cycleway/walkway, which passes through the 7(f) zone. In regard to the above matters, the following comments are provided:-

- a. It is considered that the proposal is unlikely to have a significant effect on threatened species and habitat in accordance with the submitted Section 5A assessment.
- b. It is unlikely that the scenery of the locality will be adversely affected by the proposal. The land in question will be subject to extensive landscaping and development restrictions.
- c. An erosion and sediment control plan accompanies the application and is satisfactory.

Clause 32B - Coastal Lands

The NSW Government Coastal Policy affects this application. See section titled NSW Coastal Policy 1997 of this report.

In general, the proposal will not impede public access to the foreshore. It is considered that adequate public access to the beach will be available following completion of the development.

Clause 33 - Coastal Hazard Areas

It is considered that the proposal is generally consistent with this clause. The Crown land (Lot 500) to the east of the subject site will be subject to a Management Plan, to be approved by Council and the Department of Land and Water Conservation. This land will be extensively rehabilitated with native species.

The application identifies a single access point (in vicinity of proposed parking area) across the foredune area, which will provide suitable public access from the site to the beach. However, this trail is not proposed as part of this application and will need separate approval from Council and the Department of Land and Water Conservation.

Clause 43 - Residential Development

This clause provides that Council shall not grant development consent for residential purposes unless,

- a. it is satisfied that the density of the dwellings have been maximised without adversely affecting environmental features of the land;
- b. it is satisfied that the proposed widths are not excessive for the function of the road;
- c. it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings, such as access to services and visible suitability of the land have been met;

Reports from Director Development Services

- d. it is satisfied that the road network has been designed so as to encourage the use of the public transport and minimise the use of private motor vehicles; and
- e. it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

The significant environmental constraints on the land were identified in the Stage 1 consent and subsequently significant amounts of land identified for public open space and environmental protection will and have already been dedicated for these purposes. However, the density of dwellings have not been maximised for this proposal and are not in accordance with the estimated population yields identified in DCP11 - Kings Beach. For more information on the population yields see the section on DCP11 - Kings Beach.

The proposed road hierarchy and public transport issues will be discussed later in this report.

No caravan parks are proposed and the sedimentation and erosion control plans accompanying the application is considered to be satisfactory.

Clause 66 - Adequacy of Community and Welfare Services

This issue was considered in the formulation of the Section 94 contributions plan applicable to the Kings Beach development. The staged provision of land/or contributions for provision and upgrading of community facilities is proposed, including community centre/multi-use hall, youth facilities, library facilities and health care facilities. Other local and subregional facilities are available at nearby Tweed Heads, Murwillumbah and Kingscliff including schools and hospitals.

Clause 81 - Development Adjacent to the Ocean or a Waterway

This clause provides that Council shall not consent to development on land within 100m of the ocean or any substantial waterway unless it is satisfied that:-

- a. there is sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development;
- b. buildings to be erected as part of the development will not detract from the amenity of the waterway; and
- c. the development is consistent with the principles of any foreshore management plan applying to the area.

A 10m wide cycleway/walkway is proposed along the eastern boundary of the subject land running north/south. Adjacent to this path is a proposed public parking area and residential properties. To the east of the pathway is the Crown Reserve, which is proposed to provide for three (3) public trails providing access to the beach. This reserve will be fenced for conservation purposes.

Reports from Director Development Services

No buildings are proposed as part of this application. However, it is unlikely that any buildings will significantly detract from the amenity of the waterway taking into consideration the extent of the Crown Reserve between the development and the beach.

As previously discussed, the Dune Management Plan has been submitted and approved by both Council and the Department of Land & Water Conservation.

State Environmental Planning Policies (SEPPS)

SEPP11 - Traffic Generating Developments

In accordance with the provisions of this SEPP, the application was considered by the Local Traffic Committee. A summary of their comments is provided below.

“ A Development Application has been received for Stages 6a and 6b of the Casuarina Beach Development. The application proposes the creation of a 123 lot residential subdivision over two (2) stages. In accordance with the mandatory provisions of SEPP 11, Local Traffic Committee approval is sought regarding the above development application.

The Committee’s only concern was that provision be made in the design to enable the north south collector road to be aligned with the second most westerly road in Seaside City, as it is unlikely the westernmost road through Seaside City will be constructed due to environmental constraints.

Stage 6b has since been withdrawn. Suitable conditions have been included in relation to the above comments.

SEPP44 - Koala Habitat Protection

The applicant has provided Council with a SEPP44 assessment, which indicates that the subject site is of an unknown value as habitat for koalas. The subject site does not support any primary or secondary koala feed trees and is considered highly unlikely to provide koala habitat. A koala plan of management is not required.

ii. The Provisions of any Draft Environmental Planning Instrument

There are no relevant draft instruments.

iii. Any Development Control Plans (DCPs)

DCP11 - Kings Beach

This is the principal DCP to guide future development and management of the Kings Beach development site. The proposal involves land at the northern end of the site known as Management Lots 5, 6, 7 and the ‘Richtech’ site. The DCP provides specific provisions, which articulate the design and development principles underpinning the development plan which was a component of the negotiated settlement between Lenen Pty Ltd and Tweed Shire Council. Those that specifically relate to this application are discussed as follows.

Reports from Director Development Services

Clause 3.3 - Estimated Population Yields

The estimated population yields for management lots 5, 6 and 7 provided by the DCP are 2630 persons in total. The application is likely to provide for a population yield for lots 5, 6 and 7 at 245 persons only, which is well below those figures in the DCP. This estimate of 245 persons is based on the number of proposed residential lots (including those identified for future medium – high density development). The ‘Richtech’ land (Lot 1 DP 811425), and those lots identified in this area have also been included in this estimate.

The estimated population yields are based on 2.6 persons per dwelling in accordance with Section 94 Plan No. 19 - Kings Beach/Kings Forest.

As this proposal is part of a staged development over the entire Kings Beach site, it is possible that the total population yields may be achievable when the remainder of the site is developed and subsequent applications submitted. Having regard to the latter, the proposal incorporates the creation of a 19ha deferred area and a further nine (9) larger lots suitable for medium to high-density developments. Future applications relevant to these lots will need to be assessed in accordance with the population yields in the DCP.

It should also be noted that both management lots 5 & 6 were also subject to assessment under the stage 3 consent and therefore the ‘total’ population yield for these lots is greater than that shown for this stage alone.

Should the population yields not be achievable then the DCP and the Section 94 Plan will need to be amended to reflect the expected population yields in the event that Council gives approval to this application.

Given that the population yields in the Stage 1 consent are somewhat arbitrary, it is considered that the reduced yields are acceptable, subject to formal amendment of the DCP and Section 94 Plan to reflect the changes and to include the ‘Richtech’ site.

Clause 3.5 - Urban Design Principles

1. The east/west cycleway/footpath linkages are is considered to be satisfactory in relation to the development master plan.
6. This provides that approximately 500 public car parking spaces are to be provided within the Kings Beach site. The concept master plan for the whole site appears to provide for about 550 spaces. The proposal incorporates 75 spaces solely for public use. Accordingly, the proposal is supported in this regard.
8. The proposed public access points are less than 400m apart and are therefore inconsistent with the 400m separation requirement as per the DCP.

However, these public accesses do not form part of this application. A separate application under Part V will need to be submitted for their approval/construction.

13. The DCP provides that local parks shall be provided as part of the development of the management lots and that a minimum of 2000m² of useable recreation area

Reports from Director Development Services

and be not more than 250m from any dwelling and have public road frontage for a minimum of 50% of the perimeter frontage of the local park.

The proposal incorporates the provision of three (3) parks. Each of the proposed parks is generally consistent with the provisions of the DCP, with the exception of the minimum required size. DCP No. 11 requires each park to be of a minimum 2000m² in area. Whilst the proposed central park (proposed lot 179) is considered satisfactory, each of the remaining parks (proposed lots 170 & 180) are smaller than that required. Given that the proposed parks are only marginally smaller than that required and are generally consistent in all other aspects, this provision is considered to be satisfied.

14. This provides that all nodes of retail and commercial activity with integral public open space and community facility provisions shall generally be within 400m of any dwelling within the development. No commercial or retail allotments are proposed in this stage.
15. This generally provides that acoustic fencing and landscaping is to be provided to the east of the new Coast Road. A small section of proposed lot 119 (residue lot) has direct frontage to the new Coast Road. Whilst no acoustical details have been submitted at this time, it is considered that these details should be provided upon further application/s being received by Council for development of this lot.
18. There will no direct vehicular access from the relocated Coast Road other than via approved intersections.

The proposal provides one access and is consistent with this provision, as discussed earlier.

23 & 24

A water quality management and monitoring program has been submitted with the application and is considered to be satisfactory.

26. It will be a condition of any consent that all existing Bitou bush plants be removed and the disturbed areas appropriately treated to prevent dust nuisance and soil erosion.
31. An acid sulfate soil management plan has been submitted and is generally satisfactory and any consent will be conditioned appropriately.

NSW Coastal Policy 1997

The DCP also takes into consideration the NSW Coastal Policy 1997. It is considered that the proposal is generally consistent with the relevant objectives of this Plan. The policy generally provides that development needs to take into consideration a number of objectives, which attempt to protect the natural environment. The specific objectives of the policy which relate to this development are summarised as follows:-

- * Identify conservation values of land and aquatic environments;
- * Improve and maintain water quality;

Reports from Director Development Services

- * Manage coastline and estuarine environments for public interest and ensure their vitality;
- * Impacts of natural processes of a high priority;
- * Design development to compliment surrounding development;
- * Increase public access to foreshores.

All the above objectives have generally been discussed throughout this report and it is considered that the development is unlikely to create any significant adverse environmental impacts on the coastal environment.

DCP16 - Subdivision Manual

The proposal is generally consistent with the various standards of this plan.

DCP39 - Energy Smart Homes Policy

This plan was adopted on 7 April 2000 and came into effect on 10 April 2000 and subsequently requires consideration.

This DCP has been developed in response to the growing community desire to achieve greater energy efficiency in the domestic environment. This community concern stems from a general concern about greenhouse gasses generated by energy use, their effect on the environment and in particular, their contribution to global warming. The DCP shows how energy efficiency can be achieved in all new residential subdivisions and buildings, including alterations and additions to existing buildings. It includes design alternatives - such as passive solar design and solar water heating - that will dramatically reduce the demand for non renewable energy, thus reducing both costs and air pollution and reducing the level of comfort in the average Australian home.

Section 4.0 of this Plan specifically relates to subdivisions and provides preferred outcomes for the following:-

- * Street orientation;
- * Lot orientation, size and shape;
- * Access;
- * Public transport;
- * Setbacks; and
- * Street lighting

A solar proficient subdivision will ensure that the overall development is significantly more energy efficient than a conventional subdivision.

1. Street orientation

- * Align streets east/west and north/south wherever possible

Reports from Director Development Services

- * North/south streets should be within 20 degrees west and 30 degrees east of true north
- * East/west streets should be within 30 degrees south and 20 degrees north true east

In this regard the majority of streets proposed are either aligned north/south or east/west and are consistent with this outcome.

2. *Lot orientation, size and shape*

- * Lots should be orientated so that one axis is within 30 degrees east and 20 degrees west of the true solar north
- * North facing slopes improve opportunities for solar access, small lots are therefore best suited to north facing slopes with gradients of less than 15%
- * South facing slopes impose a penalty on solar access, therefore, large lots/lowest densities are best suited to north to south facing slopes or other areas where solar access is poor
- * The north side of east/west aligned streets is suitable for narrow lots
- * Lots aligned on an east/west axis generally need to be wider than lots aligned on a north/south axis to prevent undue shadow effects on lots to the south
- * Where streets are within the acceptable orientation range, use rectangular shaped lots
- * Sloping sites are not suitable as flat sites for smaller lots

The land is relatively flat and following earthworks it is considered that the topography of the land won't significantly change. Accordingly, the issue of north and south facing slopes is not a significant issue in this instance.

All lots on the northern side of the streets are relatively narrow and should comply in this regard.

The lots on the east/west axis are narrower than those lots aligned on a north/south axis. Accordingly, this is not consistent with the DCP and could have undue shadow effects on the beachfront lots.

3. *Access*

- * Footpaths are designed to access public transport routes
- * Subdivision design includes, clearly marked bicycle network, marked kerbside bike lanes, dedicated cycleways and links to regional cycleways
- * Subdivision design should maximise the ability to travel directly between any given destination and origin

Reports from Director Development Services

4. *Public Transport*

- * Subdivision design should allow for circuitous public transport routes that maximise the number of lots within a short walking distance to potential transport routes
- * Suitable areas for bus stops and lay back areas should be identified
- * Long cul-de-sacs should be avoided as these reduce accessibility to public transport

It is considered that the proposal is generally consistent with the access and public transport principles identified above.

5. *Setbacks*

- * Variable setbacks and zero lot lines are the means of maximising solar opportunities, especially with small or narrow lots. Setbacks are manipulated to maximise solar access for all lots.
- * Preferred setback lines can be shown on subdivision plans to help builders, designers and home buyers make the best use of solar energy.

The Architectural Design Regulations (to be discussed later in this report) provide some variations to the front setbacks.

Section 94 Contribution Plans

Section 94 Contribution Plan No. 19 - Kings Beach/Kings Forest presents a strategy for the provision of structured and unstructured open space and community facilities. Those sections of the plan that specifically relate to this development are discussed as follows.

5.0 Expected Population

This plan indicates that the expected population of Kings Beach is 5600 persons, with 3000 permanent residents and 2600 tourists.

As discussed in Section (iii) titled Development Control Plans of this report, it is unlikely that the population yields will be achieved for this proposal. The DCP and Section 94 Plan will need to be amended to reflect this and to include the Richtech land.

The occupancy rates and the population yield for Stage 3 are not consistent with those in the Section 94 Plan.

7.0 Timing of Contributions

Credit

Approximately 5.5ha of active open space has been dedicated as part of the Stage 1 consent being management lots 9 and 10.

Reports from Director Development Services

However, as discussed in 5.0 above the population yields identified in the table for management lots 1 and 2 have not been achieved by this application. Accordingly, this could have implications on the provision of the active open space credits within each of the management lots. Subsequently, the Section 94 Plan and the DCP for this site will need to be amended to reflect the current figures.

14.0 Open Space

Structured Open Space

The developer has dedicated a total of 5.5ha of structured open space at no cost to Council in conjunction with the Stage 1 consent (management lots 9 and 10). These lots are not within the land subject to this application.

The amount of structured open space dedicated (5.5ha) has been calculated on the population yields provided by the DCP. Any variations to those yields, which is the case for this proposal, may have implications on the amount of structured open space to be provided. Accordingly, the DCP and Section 94 Plan will need amending to reflect this.

At the moment the population yields provided by the applicant are below those provided by the DCP. Accordingly, this proposal does not require any additional structured open space above the 5.5ha.

A monetary contribution would be required for the embellishment of the structured open space.

Passive Open Space

The developer has dedicated lots 12, 13 and 14 as public open space in conjunction with the Stage 1 consent. These lots together with the proposed parks for this application are to be suitably embellished by the developer.

Public open space needs to be provided in accordance with the Section 94 Plan for the site. In respect of the casual open space, the Section 94 Plan requires that a minimum area be 2000m² and not be more than 250m from any residential dwelling and each parks perimeter should have at least 50% frontage to a public road. As discussed earlier it is considered that the development is generally consistent with this.

Again, as discussed above for the structured open space the estimated population yields for Lots 5 and 7 are unlikely to be achieved and subsequently this may have implications on the provisions of casual open space. However, the yields provided in the application are below those provided by the DCP and the proposal is unlikely to require any additional casual open space above that already provided or required by the Section 94 Plan. However, the addition of the Richtech land may have implications on this or the DCP and Section 94 Plan may need to be amended to reflect this.

15.0 Cycleways

The proposal is considered to be generally consistent with the Section 94 Plan.

Reports from Director Development Services

Section 94 contributions will be applicable.

16.0 Community Facilities

Contributions will apply for the provisions of the following facilities:-

- * community centre/multi-use hall
- * youth facilities
- * library facilities
- * healthcare facilities

The works program in the Section 94 Plan indicates the appropriate threshold at which to provide the facilities. Special factors may arise requiring provision of a facility before the stage threshold is reached.

The community facilities are likely to be located within the town centres/commercial/retail areas for convenience. In addition, the Concept Master Plan indicates that the Surf Life Saving Club site will be located in Stage 3, proposed residue Lot 91. To secure the site it is proposed that any consent will be appropriately conditioned to provide that any future development application for further subdivision within Stage 3 will need to provide a lot for the purpose of a Surf Life Saving Club. This lot will be dedicated, at no cost, and credit given for Section 94 contributions.

(b) The Likely Impacts of the Development

Environmental Impacts

The proposal is unlikely to create any significant adverse environmental impacts on the locality. The applicant has submitted a sedimentation and erosion control management plan to control and minimise the pollution caused by soil erosion on downstream waterways during the construction project. This plan has been reviewed by Council's Subdivisions and Environment & Health Services Units and is considered generally satisfactory.

The applicant has also submitted a water quality management and monitoring program. This plan is also considered to be satisfactory.

These plans and the acid sulfate soil management plan should ensure that the quality of the water at Cudgen Creek is not adversely impacted upon.

The development of the Kings Beach site will inevitably have some impact on the environment. What Council needs to consider is what is an acceptable impact given the history of the site. To reduce these impacts a number of management plans and reports have been prepared. These have helped to achieve a subdivision design, likely to minimise the impact of the proposal on the environment from construction to completion. These reports and management plans will be incorporated into any consent, where appropriate.

Reports from Director Development Services

A flora and fauna assessment report accompanied the application. The conclusion of the report, prepared by Gunninah Environmental Consultants is as follows:-

“Stage 6 of the Casuarina Beach development project involves the clearing and development of 34.04ha of previously mined land within the Casuarina Beach Project site. Stage 6 is located between the re-aligned Old Bogangar Road and frontal dune on Kings (Bogangar) Beach, and is characterised by a largely non-indigenous vegetation consisting of regrowth and mine rehabilitation communities.

Vegetation on the subject site is not of intrinsic conservation value or significance, and no threatened plant species are present on the site or would be likely to occur, other than as individual specimens (if at all). No “endangered ecological communities” are present on the Casuarina Beach Project site.

For most of the threatened fauna species known to occur either on the subject site or in the general locality, the proposed development (both of Stage 6 and of the whole Casuarina Beach Project) is of little consequence or significance. The subject site does not support relevant or critical habitat or resources for most of the threatened fauna species known to occur in the vicinity, and there are extensive other areas of more suitable habitat and resources in the locality. Furthermore, most of the threatened fauna species recorded in the locality are likely to occur on the site only as individuals or vagrants, and none are regarded as likely to be dependent upon the resources habitat features present on the site.

One threatened fauna species (the Common Blossom Bat) does utilise the site to a moderate extent, for winter foraging (on the Coast Banksias present on the site). Whilst complete development of the subject site will involve the removal of most of the Coast Banksia resource present upon it, the loss of resources is not regarded as of critical or “significant” import because of the substantial supplementary planting program which has been undertaken, because of the extent of other suitable resources in the vicinity and locality, and because of the long-term retention of resources on the site (west of the Old Bogangar Road). Additionally, two portions of the development area (totalling 31.8ha or 27.7%) are to be ‘deferred’ to provide Coast Banksia foraging resources for this species in the short-term while the new plantings of Coast Banksia mature.

Similarly, notwithstanding the occasional presence of individuals of a number of other threatened fauna species on the subject site or adjacent to it (including Glossy Black Cockatoos, the Common Planigale, Great Knot, Osprey, Green Turtle, Black Flying Fox and sever microchiropteran bats) and the potential occurrence on occasions of a number of other threatened species on the site or its immediate vicinity (particularly estuarine, wading or pelagic birds), neither the area proposed for development activities nor other adjacent lands (including Kings Beach), provide ‘significant’ resources for any such species.

Reports from Director Development Services

Consequently, whilst individuals of some threatened species may potentially be disturbed as a result of the development and occupation of the subject site, and increased human activities within Cudgen Creek and along Kings (Bogangar) Beach, it is not "likely" that "a significant effect" would be imposed upon any such species "or their habitats" as a result of the Casuarina Beach Project.

In the absence of any evidence or assessment that the proposed Casuarina Beach Project is "likely" to impose "a significant effect" on any "threatened species, populations or ecological communities, or their habitats", there is no requirement for the preparation of a Species Impact Statement for Stage 6 of the Casuarina Beach Project, or for the project in total.

Impact amelioration and environmental management measures (including dedication of 52ha of land on the western (Cudgen Creek) side of the subject site, protection and management of the frontal dune and dune vegetation east of the site, and an array of measures to protect the natural environment and to provide supplementary resources for native fauna within the development) are incorporated into the Casuarina Beach Project, thus limiting the potential for significant adverse impacts to be imposed upon the natural environment".

Comment

Section 78(8)(b) of the Environmental Planning & Assessment Act, 1979 is as follows:-

"78(8) A development application must be accompanied by:

- (b) *if the application is in respect of development on land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations, or ecological communities, or their habitats - a species impact statement prepared in accordance with Division 2 of Part 6 of the Threatened Species Conservation Act 1995".*

The Species Impact Statement accompanying the development application S96/135 for Stage 1 applied to the whole of the Kings Beach site. Subsequently, advice was sought from the NPWS and Council's Solicitors as to whether or not the Stage 3 development application and subsequent applications will need to be accompanied by a Species Impact Statement.

Council's Solicitors advised that Council may well have already complied with the Environmental Planning & Assessment Act, 1979 in that a SIS has already been provided for the whole site and has been assessed by the Council in great detail. Accordingly, a further study would not be required.

The NPWS have advised that any decision regarding the significance of impacts in subsequent stages on threatened species, and hence the need for a SIS, must be made by the consent authority.

Reports from Director Development Services

Section 5A of the Environmental Planning & Assessment Act, 1979 provides 8 factors which must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The Flora and Fauna report provides this Section 5A assessment and concludes that the development is not likely to have a significant effect on threatened species, populations or ecological communities, or their habitats.

Taking into consideration the advice from Council's Solicitors, the NPWS and relevant reports, it is considered that the development is unlikely to have a significant effect on threatened species, populations, or ecological communities, or their habitats and an SIS is not required.

Effect on Landscape/Scenic Quality of the Locality

A proposal of this scale and in this location will undoubtedly have an effect on the landscape and scenic quality of the locality by transforming the coastal landscape into an urban one. The likely impacts of the latter are considered acceptable given the history and zonings of the site and the commitment given by the LEP amendment and the DCP for residential development in this location.

Earthworks will modify the topography of the land, but not significantly.

The applicant has submitted a typical streetscape concept, which is considered satisfactory.

The visual impacts will be reduced by buffering and landscaping in appropriate areas.

The development will be consistent with the general character of new residential estates.

Access, Transport and Traffic

Council's Engineering Services Division, Subdivision Engineer and the Local Traffic Advisory Committee have reviewed the application in relation to traffic, access and road layout issues. The comments made by the Local Traffic Committee, which are outlined in this report, will be incorporated, where necessary, into the design of the proposal to improve the layout.

Council's Subdivision Engineer has undertaken an assessment of the proposal in relation to access, traffic and transport issues. This assessment is summarised as follows:-

“Generally the road layout and pavement widths shall be in accordance with figures E408, E423 & E423A with the exception of the following matters:

- *Connectivity between road 6 and the crown reserve is required.*
- *Connectivity between road 2, 11 and 4 is required.*
- *The road reserve and pavement width for road 13 should be increased to 20.0m and 9.0m respectively in the event that road 13 becomes permanent.*

Reports from Director Development Services

In relation to the provision of concrete footpaths it appears that the application does not satisfactorily address this issue. Figures E423 and 423A do not indicate the location of any proposed concrete footpaths. A condition will be required on the development consent that clearly identifies which roads require concrete footpaths.

The construction of roundabouts in accordance with Austroads part 6 – Roundabouts will be required at the following intersections:-

- *Road 1 and Road 7 (Coast road and Connection road)*
- *Road 10 and Road 7*
- *Road 3 and Road 5*

The future ultimate alignment of the Coast road still remains unresolved on the basis of details submitted by the applicant. Given the strategic importance of this road link, it is considered that the Coast Road should be required to connect with Catherine Street (Seaside City) as a condition of this consent.

The applicants have addressed the impacts of the Coast Road due to a level difference along the northern boundary of the site created by the filling of stage 6. They propose to grade fill into the land to the north of stage 6 to provide a suitable vertical alignment for the Coast Road.

Suitable conditions of consent have been imposed in accordance with the above comments.

Character, Location, Siting, Design and External Appearance, Size and Shape of the Land etc

This development although similar in some ways in character to other residential estates, is a unique development on the Tweed given its close proximity to the Coast. Subsequently, the proposal has attempted to optimise its proximity to the Coast creating a unique estate.

One other issue is the width and depth to frontage ratio of the narrower proposed allotments. These lots generally have a width of 12m with a depth of approximately 40m. There were initial concerns that difficulties would arise in designing and siting a complying dwelling on the lots given that they have a 12m frontage and normal side boundary setbacks are 900mm and also that having such narrow lots may create design and siting problems to allow consistency with Council's DCP39 - Energy Smart Homes Policy. As discussed in the section titled DCP39 - Energy Smart Homes Policy, the lots on the east/west axis (beachfront lots) are narrower than those lots aligned on a north/south axis and this is not consistent with the DCP and could have undue shadow effects on the beachfront lots.

As per the Stage 2, 3 & 4 applications, the applicant has provided plans showing that dwellings can be satisfactorily accommodated on beachfront lots. These plans indicate

Reports from Director Development Services

that a dwelling can be satisfactorily sited on the narrower allotments with a side setback of 900mm to the eaves and maximum site coverage of 50%.

In view of the detailed controls proposed in the Architectural Design Regulations (ie. setbacks, site coverage, building envelope), which are to be enforced by the Architectural Review Committee and the additional information supplied, as discussed above, it is considered that a dwelling is likely to be sited on these narrower lots.

Subsequently, any dwelling erected on a beachfront lot will need to comply with the Architectural Design Regulations and relevant Council guidelines.

Architectural Design Regulations

In order to ensure that the development is unique, the applicants have prepared *Architectural Design Regulations* (ADR) for Kings Beach. These ADR's are intended to encourage the design of the houses to reflect particular informal character, openness and individuality appropriate to the beach community.

The ADR provide that all building works, (including external construction, alterations, additions, repairs, including painting and repainting, construction and alterations to any fence, retaining walls, exterior lighting, driveways and landscape and tree planting) will need to comply with the ADR and will also require approval from an Architectural Review Committee (ARC). The ARC will include those persons appointed by the applicant, and will more than likely consist of architects etc. Approval from the ARC for any building works must be obtained before applying to Council for approval. The ADR also proposes that Council will be party to assist in enforcing the ADR.

Council's Building Unit has reviewed the proposed ADR's and consider that Council should not be party to the enforcement of this complex design regulations, and that Council should only process new dwelling development applications and construction certificate applications that have been endorsed by the ARC. In addition, any endorsement or approval by ARC is not to substitute for or guarantee development approval from Tweed Shire Council.

Subdivision Engineer Comments

Council's Subdivision Engineer has assessed the proposal and provided the following comments in response:-

“1.0 Introduction

The proposal is to develop stage 6 of the Casuarina Beach development incorporating 97 allotments.

2.0 Earthworks

The applicants initially proposed the construction of a retaining wall (2.0m to 2.5m high) along the northern boundary of the subject site adjacent to the unformed Crown road reserve. The construction of a retaining wall along this boundary would have resulted in a retaining wall of approximately 2.0m in height at the end of road No. 3 and 2.5m at the end of road No. 6.

Reports from Director Development Services

A retaining wall of this height is considered unsatisfactory for the following reasons:

- *Impacts on the continuity of the existing coast road.*
- *No consideration has been given to future construction of the Crown road and the potential impacts on the adjacent Seaside land.*
- *No consideration has been given to the likely impacts for any future realignment of the coast road.(ie road 13)*

Following discussions with Council officers, the applicants have provided amended bulk earthworks details, which allow for the continuation of the fill within stage 6 into the Crown road reserve and the privately owned property to the north (Seaside City). This amended filling program ensures that the maximum height of the retaining wall along the northern boundary of stage 6 will be limited to approximately 500mm. Furthermore, the continuity of the coast road shall be maintained because the filling program will provide for a satisfactory transition from stage 6 into the adjacent Seaside City.

The applicants have advised that the bulk earthwork balance quantity required for this development is approximately 230,000m³. Level 1 testing and supervision under AS 3798 – 1996 will be required for the earthworks program.

Given the general site soil characteristics it is considered that geotechnical constraints should be minimal and therefore not an impediment to the development of the land.

3.0. Sedimentation and Erosion Control

No detailed sedimentation and erosion control management plan specific to this stage could be found in the submission. The applicants have provided figure E427 “Soil and Water Management Plan. Unfortunately this figure does not address key issues relevant to sound water quality management for this site.

Given existing site conditions, such as topography and soil type it is considered that a sedimentation and erosion control plan prepared in accordance with the “Tweed Urban Stormwater Quality Management Plan” should ensure satisfactory water quality for the development.

4.0 Water Quality

The above comments in 3.0 – sedimentation and erosion control are also relevant.

The applicants advise that they will implement the following control measures:

- *Temporary sedimentation traps to be installed during construction and revegetation phases.*

Reports from Director Development Services

- *Small scale sediment traps and/or trash racks to be installed on stormwater outlets.*
- *Water quality infiltration basins will be further created along the northern perimeter of the site between the stormwater outlets and Cudgen Creek*
- *Installation and maintenance of temporary erosion control devices to minimise the removal of fines and sediments from the disturbed site.*
- *On site infiltration pits for roof stormwater disposal.*

Figure E427 “Soil and water management plan” requires further detail before it is considered to be satisfactory. Figure E424 identifies the locations for the infiltration ponds, which are designed to remove sediments and nutrients prior to discharge to Cudgen Creek. The location of these ponds was approved under stage 3.

The installation of the above measures and the construction of the infiltration ponds will have a positive effect on the quality of the water discharged to Cudgen Creek.

5.0 Drainage

The majority of stage 6 drains in an easterly direction to the north south open channel and is then discharged in a westerly direction to Cudgen Creek. This drainage system was approved under the stage 1 development consent and subsequently refined with stages 2,3 & 4.

6.0 Water Supply

Figure E421 shows the recently constructed 450mm diameter and 250mm diameter water mains constructed under the stage one (1) development consent. These trunk water mains will provide adequate supply for the stage 6 development.

The existing 250dia. water main north of the Connection Road shall be relocated to an alignment as shown on Figure E422. The water main shall also be wholly located within the public road reserve.

The internal reticulation for stage 6 has been shown on Figure E422 and is considered satisfactory subject to the applicants submitting a detailed demand analysis for the proposed system, which clearly shows that peak demand and fire fighting requirements can be satisfied.

7.0 Sewer

The applicants advise that the site can be serviced by a vacuum and rising main sewerage reticulation system. They also advise that Council has agreed to the Vacuum Sewerage System in principal. This statement is true, however the applicants have been requested by Council to provide a Sewerage

Reports from Director Development Services

Management Plan for the vacuum system, which addresses the whole of life cost implications for the vacuum system.

To date this management plan has not been submitted to Council. Furthermore, the applicants for stage 1 have disregarded the vacuum system and chosen to bond uncompleted works for a conventional sewerage system.

To facilitate the determination of the stage 6 development consent a condition similar to that included in the stage 2, 3 & 4 consents could be incorporated in the consent conditions.

Conclusion

Generally the proposal for stage 6 is satisfactory subject to the resolution of those matters listed below:

1. Investigation of the ultimate alignment for the Coast road
2. Submission of a detailed Soil and Water Management plan

Engineering Services Division Comments

Infrastructure Engineer's Comments

“1.0. Introduction.

The land is characterised by a ridge in the south of Stage 6, which generally follows the line of the Coast Rd, but deviates to the west of the coast Road in the northern section of Stage 6, forming a local high feature of RL 12m.

It is proposed to alter this landform by swinging the ridgeline to the east of the current Coast Rd line in the northern section of Stage 6 and reforming the land to slope evenly to the east and west of the new ridgeline. The highest land will be along the ridge at RL 10m. The existing local high feature at RL 12m will be removed. It is also proposed to fill the northern part of the site so that along the northern boundary with an unnamed crown reserve road there will be a height difference of 2m to 3m. The proponents advise this level difference will be resolved by use of vertical retaining walls. This is not a desirable outcome and conditions will be recommended to soften this boundary level difference. Drainage is to be collected in internal subdivision roads by conventional underground drainage.

2.0. Site Drainage

This application incorporates a report from Cardno MBK “Kings Beach Development – Proposed Stormwater Treatment & Disposal Incorporating The Alternative System” this report in general terms proposed (section 2.2) the following:

- *infiltration of roof runoff*
- *discharge of road drainage through catch basins*

Reports from Director Development Services

- *further treatment of road runoff by grass swales*
- *final treatment by infiltration basins*

Since the submission of the application there have been many meetings between the developers representatives and Council officers regarding drainage and water quality issues. Many amendments to the original plans have been submitted and at the time of writing this report still further reports on hydraulic analysis and infiltration basin sizing/location/design are awaited from the applicant's consultants (Cardno MBK).

Cardno MBK letter 21/2/2000 contained Attachment B "Water Quality Management and Monitoring Program". This letter contained proposals for water quality management in the operational phase, water quality objectives, sampling and monitoring program, erosion and sediment control plan. For the operational phase it proposed a treatment train consisting of:

- *Disposal of roof water drainage by on-site infiltration for individual properties*
- *Collection of sediment and gross pollutants via catch pits*
- *Installation of Humeceptors at locations where oils and greases may be generated*
- *Transport of stormwater runoff by grassed swales and vegetated strips*
- *Screening of outlets to infiltration basins to capture gross pollutants*
- *Disposal of 3 month ARI stormwater flows by infiltration in specifically designed basins*

Conditions will be recommended to incorporate the above stormwater quality management principles and the provisions of Council's "Stormwater Quality Management Plan".

3.0. Lawful Point of Discharge

This DA is for subdivision of Kings Beach Stage 1 (S96/135) Management Lot 6 and lots 84 and 85 created by Casuarina Beach Stage 3 (DAK99/1733).

The proposed point of discharge for east flowing runoff is Controlled Outlet 11. This proposed point of discharge at Controlled Outlet No. 11 is satisfactory and was anticipated in the Stage 1 approval. Stormwater passing through Outlet 11 will discharge by overland sheet flow across passive open space lot 8 to Cudgen Creek. East flowing stormwater from this application must traverse Stage 3 and proposed open space Management Lot 11 to drain to Controlled Outlet No. 11. Easements/reserves across all intervening land will be required for continuity of drainage paths to the outlet.

Reports from Director Development Services

4.0. Proposed Drainage System

Drainage Layout

It is understood that roof water from dwellings will be infiltrated on each individual allotment, which will reduce the volume of stormwater runoff to the public drainage system.

The proposed subdivision lots front roads Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and temporary Road 13. These roads are provided with conventional underground drainage.

East Flowing Catchment.

East flowing Q5 road drainage is to be piped either directly or via the stage 3 drainage scheme to a south flowing coastal swale drain. Q100 overland flows will be conveyed along the road and path system to the coastal drain. Depending on the final grading of land along the northern boundary and roads 3 and 6, some Q100 overland flow may flow to the north to the unformed crown reserve road.

Runoff (up to Q100) is to be conveyed in a southerly direction along a the coastal swale drainage/infiltration system proposed in stage 3. (This is a proposed dual use area also containing walkway/cycleway and public open space/landscaping. This proposal is satisfactory from a drainage perspective, but, other units will need to determine its suitability for and compatibility with the other proposed uses). The coastal swale drain proceeds south to the south east corner of proposed stage 3 lot 82, junctions with another coastal swale drain from the opposite direction heading north, and turns west through proposed (dual use) open space areas, and proposed open space Management Lot 11, to Controlled Outlet No. 11. The applicants plan Cardno MBK Figure E222 Rev B "Drainage Path, Cycleways and Infiltration Ponds" shows schematic layouts of infiltration basins in the coastal swale drain and in the future proposed open space area in proposed stage 3 residue lot No. 91.

5.0. Drainage System Capacity

Cardno MBK Figure E417 contains a long section of the eastern trunk drain. There are no finished surface cross sections submitted with this application, finished surface cross sections submitted with stage 3 (Figure E211 REV A) only provide cross sections of the coastal drain at 2400m and 3200m and miss the drain between 2425m and 3294m. However when natural surface levels to the east (coast) side of drain are plotted on the long section it indicates that the Q₁₀₀ water surface profile will be up to 1.5m higher than these natural levels. This implies that a bund wall of significant height will be required on the coast side of the drain to contain the runoff with standard 300mm freeboard.

Conditions will be required to ensure adequate freeboard on the coastal side of the drain.

Reports from Director Development Services

6.0. Dual Use Issues

The applicants consultant Cardno MBK has submitted "Consolidated Properties Pty Ltd, Casuarina Beach, Infiltration Basin Analysis, March 2000" to supplement information submitted with the stage 2, 3 and 4 applications.

Numerous discussions have been held between Council and the applicants in relation to the suitability of these dual use areas. It is considered, that given that Council has issued the subdivision certificate for the stage 1 consent, the issue of infiltration has been satisfactorily addressed and accepted.

7.0. Infiltration Basin Sizing

Permeability

The applicant's infiltration analysis contains percolation tests in accordance with Appendix B of AS 1547, Disposal Systems for Effluent from Domestic Premises which have measured permeability's ranging from 44m to 57m per day. For design and sizing of infiltration basin purposes they have adopted 24m/day.

There is no current Australian Standard for design of stormwater infiltration systems. In the absence of such a standard the applicant has used the sewerage effluent standard AS 1547 to derive permeability rates. This standard gives 1.2 - 6 m/day as typical values of permeability in sand, which are considerably less than the rates measured and proposed for design and sizing of infiltration basins by the applicant. The standard modifies raw permeability rates by a "Long Term Acceptance Rate" table (resulting in a reduction factor of up to 100 times) for sizing absorption areas. The applicant does not propose any such reduction in their raw permeability rates to allow for long-term reduction in permeability due to clogging and other factors.

A condition is proposed to reduce raw permeability rates to lower values that are more acceptable for design of long-term infiltration areas.

Location and Sizing of Ponds

The specific size and location of infiltration ponds is not indicated in the application, conditions can specify criteria for sizing the total basin size for each catchment. For east flowing runoff indicative locations for infiltration ponds are along the coastal drainage swale and in the drainage swale between the coastal drain and controlled outlet No. 11. For west flowing runoff, infiltration areas are likely to be required at three locations within the subdivision prior to discharge to other land.

For the purpose of this report a condition can be drafted requiring a certain area of infiltration basin for each catchment, together with criteria for the basins design and management. Other units will need to determine compatibility with other proposed uses.

Reports from Director Development Services

8.0. Stormwater Quality

Erosion and Sediment Control

The ESCP submitted with the DA and the final proposal for ESCP contained in part 5 of Cardno MBK "Water Quality Management and Monitoring Program" (1/2/200) are insufficiently detailed to serve as the basis of conditions of consent for this activity.

Council's recently adopted Urban Stormwater Quality Management Plan (prepared in accordance with a Direction EPA under Section 12 of the Protection of the Environment Administration Act, 1991) requires stormwater objectives during the construction phase of new development to comply with "Tweed Shire Council, Aus-Spec D7 - Stormwater Quality, and Annexure A - Code of Practice for Soil and Water Management on Construction Works". Proposed conditions of consent will incorporate these requirements.

Permanent Stormwater Quality Controls

The final proposal is contained in Cardno MBK letter 21/2/2000. Attachment B "Water Quality Management and Monitoring Program", proposed a treatment train for the for the operational phase it proposed a treatment train consisting of:

- *Disposal of roof water drainage by on-site infiltration for individual properties*
- *Collection of sediment and gross pollutants via catch pits*
- *Installation of Humeceptors at locations where oils and greases may be generated*
- *Transport of stormwater runoff by grassed swales and vegetated strips*
- *Screening of outlets to infiltration basins to capture gross pollutants*
- *Disposal of 3 month ARI stormwater flows by infiltration in specifically designed basins*

Whilst no water quality modelling accompanies this application, the treatment train proposed is similar to that proposed in the North Kings Beach (Sahben) site and would yield similar results.

9.0. Conclusion

Issues regarding stormwater quality, infiltration, erosion and sediment control can be addressed by consent conditions.

As in past stages, dual use issues for land to be used for both drainage and open space remains largely unresolved at this stage. If the landform resulting from drainage constraints renders designated open space unsuitable for that purpose, then drainage may need to be underground or relocated onto other land. Relocation of drainage or water quality devices onto other land is likely

Reports from Director Development Services

to require the dedication of additional land and a consequent revision of the subdivision / lot layout to provide this additional land.”

Environment & Community Services Division Comments

Council's Environment and Health Services Unit raise no objections to the proposal. The submitted acid sulfate soil management plan, water quality monitoring and management plan and the sedimentation and erosion control plan are all considered to be generally satisfactory and should be included as a condition of any consent.

The Building Services Unit raises no objections to the proposal. However, as discussed in Section (b) of this report the Building Unit have assessed the architectural design regulations and recommend that Council should not be party to the ADR.

Landscaping

Street trees will be provided or contributions obtained.

The proposal will involve the removal of a substantial amount of vegetation, which in part has been accepted due to the zoning of the land and the contents of DCP No. 11.

The landscape master plan for Stage 6 provides for extensive landscaping over the site. Landscaping is primarily provided along the streets, roads and within the open space. The principle goal of the landscape works is to provide the Kings Beach community with a safe, secure environmentally sustainable landscape, which facilitates a broad range of private and community based recreational activities.

The landscaping shall improve the amenity of the site and should also ensure that the maintenance of those areas is minimised. It is considered that landscaping this site should be undertaken in accordance with the landscape master plan for Stage 6 and the details provided with the application.

Natural Hazards

No known natural hazards are likely to affect the site other than coastal processes.

This together with the Crown Reserve to the east should provide adequate protection to the site.

Social/Economic Effect

As discussed in Section (a)(i) of this report, TLEP 2000 requires that a social impact assessment be provided for developments that may have a significant social or economic impact. It is considered that this assessment is not necessary.

The proposal will provide additional dwelling lots to cater for some of the growth along the Tweed Coast. The proposal will increase demands for services and facilities some of which will be catered for on the site when various stages of the Kings Beach development are released. There will be an increased maintenance burden for Council in relation to additional structured and casual open space. However, this open space is required to meet the need of the future population.

Reports from Director Development Services

The proposal will provide employment opportunities both during the construction and post construction phases. This will likely improve the economy of the locality and the Tweed with potential spin off effects.

In addition, the Kings Beach development will also provide additional rate revenues for the Tweed Shire Council.

(c) The Suitability of the Site for the Development

As discussed throughout section (b) of this report it is generally considered and accepted that the site is suitable for the development. The site has a long history and has a commitment given by the LEP amendment and DCP for urban development in this location.

Whilst the general suitability of the site for the proposed development is acknowledged, concern exists in relation to those issues identified by Council's Subdivision Engineer and Engineering Services Division previously in this report.

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

Public Submissions

The application was not statutorily required to be advertised.

Public Authority Submissions

See consultation section of this report.

(e) The Public Interest

A number of State Government Planning Policies (SEPPs) and other planning guidelines (LEPs and DCPs) have relevance to this application. The latter were discussed in detail within Section (a) of this report.

As discussed in Section (d) the application was not statutorily required to be advertised.

The proposal is considered unlikely to compromise the public interest.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination of the application, a right of appeal is available in the Land & Environment Court.

OPTIONS

Council can either:

1. Approve the application subject to conditions - modified or as recommended.
2. Refuse the application.

CONCLUSION

This report concludes that all issues have been satisfactorily resolved or can be addressed by appropriate conditions.

Reports from Director Development Services

This is a very significant development for Tweed Shire and, indeed, in the State. In its entirety, the development of the Kings Beach site is of a very significant scale and nature and has the potential to provide for a focal point of development for not only the Tweed area, but also the wider region.

It is considered that the outstanding issues can be adequately addressed via the imposition of relevant conditions, as recommended.

Reports from Director Development Services

9. ORIGIN: Strategic Town Planning Unit

FILE REF: School – Pottsville Public, Pottsville Neighbourhood Centre

REPORT TITLE:

Draft Land Assessment - Former Pottsville School Site

SUMMARY OF REPORT:

The Department of Land and Water Conservation has exhibited a draft Land Assessment for part of the former Pottsville School Site. It recommends that the preferred use for the subject land be Urban development and that in an effort to maximise the benefits to the people of NSW the land be referred to the Development and Sales section of Land NSW for disposal.

This site therefore constitutes the only parcel of public land within the Village which could be used for community needs that may arise in the future. The disposal of this public land, given its location, would be short sighted for the local community.

RECOMMENDATION:

That Council informs the Department of Land and Water Conservation that the former Pottsville School Site should be retained as public land to meet future community needs of Pottsville in accordance with the Pottsville Village Strategy.

Reports from Director Development Services

REPORT:

The Department of Land and Water Conservation has exhibited a draft Land Assessment for part of the former Pottsville School Site. The Assessment took account of the physical characteristics of the site, its location and Council's planning controls. In that regard the Assessment acknowledges the following:

"Tweed Shire Council too noted the 5(a) Special Uses Zone existing over the site and that the Pottsville Strategy noted that the site (ie the whole of the former school site) should be redeveloped in the public interest for the maximum benefit of the whole community. Council also noted that its original intention to acquire the whole of the former school site has been amended to include only the area of existing buildings".

The Assessment concludes as follows:

"6.1 Suitability Assessment of the Study Area

After considering the land capabilities of the site and in consideration of the various strategies and policies that may affect the uses of the land, the suitable use for the study site has been determined as Urban Development. Whether that development takes the form of recreational, residential or some other form of urban development is not the role of this assessment. The form that the development will take will be dependant on the current or any future zoning and on Council's approval of that development.

7.0 Conclusion

Information provided in this assessment has shown that the Crown land under consideration is a vacant block vegetated by grasses and scattered trees. The land has no value in terms of nature conservation, heritage, forestry or agriculture. Therefore, it is recommended that the preferred use for the subject land be Urban development and that in an effort to maximise the benefits to the people of NSW the land be referred to the Development and Sales section of Land NSW for disposal".

It is the disposal of the land that is of particular concern, not its use for Urban Development. Pottsville is a growing community. All vacant urban capable land identified (predominantly in Black Rocks, Seabreeze and Koala Beach), is in private ownership. This site therefore constitutes the only parcel of public land within the Village which could be used for community needs that may arise in the future. The disposal of this public land, given its location, would be short sighted for the local community.

The adopted Pottsville Village Strategy identifies the site redeveloped for community purposes. This was reflected in the Tweed LEP 2000 which zoned the land 6(a) Special uses Zone – Community Purposes.

CONCLUSION

DLWC should be informed that the land should be retained as public land to meet future community needs of Pottsville in accordance with the Pottsville Village Strategy.

Reports from Director Development Services

10. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000

REPORT TITLE:

Tweed Local Environmental Plan 2000 - Production of Compact Disc

SUMMARY OF REPORT:

Following the gazettal of Tweed LEP 2000 (TLEP) considerable thought and effort has been put into how it can be made available to the public. Traditionally, this has been done by the sale of hard copy of the document. With new technology, new avenues are open to Council; in particular Council's web page and a specifically packaged Compact Disc (CD).

Material on Council's web page should be made freely available for downloading. The CD should be sold at a price of \$200.000, which should be attractive to development professionals and the like. Anything higher than that amount would be unattractive. Updates should be offered on a quarterly basis at a cost of \$50.00 to those parties having purchased an original CD.

These charges will have to be advertised in accordance with the Local Government Act.

RECOMMENDATION:

That Council exhibits the following additions to the fees and charges.

1. Compact Disc of Tweed LEP 2000 plus DCP 40 Exempt and Complying Development - \$200.00.
2. Compact Disc of Tweed LEP 2000 plus all DCPs and S94 Plans - \$300.00 (when available).
3. Quarterly updates of the Compact Disc at \$50.00 each quarter.

Reports from Director Development Services

REPORT:

Following the gazettal of Tweed LEP 2000 (TLEP) considerable thought and effort has been put into how it can be made available to the public. Traditionally, this has been done by the sale of hard copy of the document. With new technology, new avenues are open to Council; in particular Council's web page and a specifically packaged Compact Disc (CD).

The Written Instrument together with Development Control Plans and S94 Contribution Plans are available as part of Council's web page. The zone maps are currently unavailable as the IT Unit are upgrading them for ease of presentation. A CD has been prepared which includes zone maps, Written Instrument and DCP 40 Exempt and Complying Development. The latter instruments are "hyper linked" again for ease of use.

A decision has to be made as to what charges, if any, are to be made for this material. Some of the relevant considerations are:

1. The LEP and associated DCPs and S94 Plans represent considerable investment on the part of Council, and this ought to be reflected in the pricing policy.
2. On the other hand, this is material which ought to be widely available to the community.
3. Council does not have the facility to make a charge for web page material.
4. Free availability on the web page avoids the need for the time consuming production of maps and written material.
5. The need to keep all material up to date. This is already achieved automatically on the web page which is linked to Council's own digital records of the material. A CD is a different proposition. The production of a revised CD is a simple matter as again it would be based on web page material. The timing of updates is the issue; administratively this could be offered on a quarterly basis.

CONCLUSION

Material on Council's web page should be made freely available for downloading. The CD should be sold at a price of \$200.000, which should be attractive to development professionals and the like. Anything higher than that amount would be unattractive. Updates should be offered on a quarterly basis at a cost of \$50.00 to those parties having purchased an original CD.

These charges will have to be advertised in accordance with the Local Government Act.

Reports from Director Development Services

11. ORIGIN: Subdivisions Unit

FILE REF: DA1180/385 Pt5

REPORT TITLE:

Proposed 45 Lot Subdivision of Lot 4 DP 1014470, Coast Road, South Kingscliff - Casuarina Beach Stage 5 (DA 0680/2000DA)

SUMMARY OF REPORT:

Council is in receipt of an application proposing the Stage 5 subdivision of the Casuarina Beach development into 45 lots. The proposal consists of conventional residential allotments and larger lots for tourist and commercial development. Future use of the subject allotments will be subject to separate applications to Council.

This application is entirely over Management Lot 4 as identified in the Stage 1 consent, with all proposed lots being inland. The value of works involved is estimated at approximately \$1.3 million.

Draft conditions have been discussed with the applicant and a number remain in dispute. The applicant has provided Council with a list of those conditions they do not agree with as follows:-

“Condition 6 should be amended to refer to conditions 3, 4, 11, 12, 13, 14, 15, 18, 21, 22, 23, 24, 29 (relating to bulk earthworks only), 30 (relating to bulk earthworks only), 31, 46, 47, 49, 50, 51, 53, 54, 56, 57(D)(ii)(iv)(v)(vi)(vii), 58, 59, 61, 68, 69, 70, 71, 72, 73, 74, 75 & 76.”

Comment

It is agreed that conditions 23, 58 and 76 should be included however, it is considered that the deletion of conditions 55, 57(iii) and 81 and the inclusion of 61 is not appropriate.

“Condition 26.

This condition should be deleted as the areas to be dedicated are not yet known and there are no legal access to the lands. The condition should be left to a later stage.”

Comment

The deletion of this condition is not recommended. The dedication of those lands identified as future open space is considered to be consistent with the Deed of Agreement and will ensure the provision of necessary open space as land is developed.

“Condition 42(vi)(vii)

These conditions should be deleted as roads 2 and 7 are not to be connected.”

Comment

Deletion of this condition is considered unsatisfactory. It is considered that adequate connectivity, both vehicular and pedestrian should be provided in this area. The proposed condition satisfactorily achieves this.

Reports from Director Development Services

“Condition 42(viii)

This condition should be deleted as bus shelters are provided in close proximity to stages 4 and 6.”

Comment

The deletion of this condition is considered unsatisfactory. No details in relation to bus shelters have been provided for stages 4 and 6. Notwithstanding it is considered that at least one bus shelter should be provided for this stage.

“Condition 77A(i)

This condition should be amended to refer to two dogs following conversations with your officers and the Mayor. The amendment makes sense.”

Comment

The restriction to one dog per allotment is carried over from both the stage 1 consent (issued by the Land and Environment Court) and existing restrictions on title. Amendment of the condition is therefore not supported.

Whilst it is considered that some of the conditions proposed by the applicant are unsatisfactory, Council may at its discretion resolve to approve the proposed modified conditions as put forward by the applicant.

RECOMMENDATION:

That Development Application 0680/2000DA for a 45 lot subdivision at Lot 4 DP 1014470 (Casuarina Beach Stage 5) be approved subject to the following conditions:-

PRE-REQUISITES - conditions that must be complied with prior to the release of a construction certificate

1. Prior to the issue of a Construction Certificate a Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.
2. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species, which ensure no potential for seed transfer to Lot 500, which would conflict with the propagation and maintenance of species, specified in the Dune Management Plan and Lot 500 Management Plan.
3. A traffic control plan that complies with the provisions of the RTA document “Traffic Control at Work Sites” Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval

Reports from Director Development Services

- particularly in respect to works on public roads. Safe public access shall be provided at all times.
4. Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
 5. The Stage 5 application is to be consistent with the lot boundaries of those allotments identified for open space, being Lots 9, 10 in DP 1014470.
 6. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions:- 3, 4, 11, 12, 13, 14, 15, 18, 21, 22, 23, 24, 29 (*relating to bulk earthworks only*), 30 (*relating to bulk earthworks only*), 31, 46, 49, 50, 51, 53, 54, 55, 56, 57(d)(ii)(iv)(v)(vi)(vii), 58, 59, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 81.

GENERAL

7. Any application for further development upon proposed lot 146 shall be accompanied by details of acoustical treatment in relation to Coast Road and Road No. 1 (as shown on Cardno MBK figure No. 307).
8. Prior to the issue of a Subdivision Certificate pursuant to this consent ALL works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.
9. Submission of separate development application/s for further development of the proposed residue lots 144, 145 and 146.
10. The Architectural Design Regulations shall not be included in any legal document to be administered by Council. NOTE: Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;
 - (i) The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

Reports from Director Development Services

Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.

- (ii) The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.
- (iii) The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.
- (iv) For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.
- (v) All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

- 11. The development shall be completed in general accordance with Figures E303 and E304 prepared by Cardno MBK and dated May 2000, except where varied by these conditions.
- 12. 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.
- 13. No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.
- 14. 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 to the satisfaction of Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- 15. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
- 16. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA2000/680 have been complied with.
- 17. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and stormwater drainage over ALL services on private property.
 - ii. A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.

Reports from Director Development Services

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements, which benefit Council, shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

18. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (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.
19. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
20. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
21. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of Council.

The sign is to remain in place until the Subdivision Certificate is issued.
22. It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable', which traverses the subject site, is protected from construction damage.

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.
23. 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.
24. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

Reports from Director Development Services

- 25. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

OPEN SPACE

- 26. Dedication, at no cost, to Council of the proposed park (un-numbered) and those areas identified as ‘Future Public Reserve’ on Plan No. E304. These areas are to be suitably embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover.

Those areas identified as ‘future public reserve’ shall also provide for cycleway / walkway facilities in accordance with the concept master plan.

Details of embellishment to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment works (inclusive of the cycleway / walkway) shall be completed prior to release of the linen plan.

CONTRIBUTIONS

- 27. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council’s “Contribution Sheet” signed by an authorised officer of Council.

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

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

Stage 5

- a. Tweed Road Contribution Plan:

44 lots @ \$2394 per lot \$105,336.00

Local Contribution

44 lots @ \$554.00 per lot \$24,376.00

A credit for the Local Contribution will apply to any works undertaken on these intersections pursuant to the stage 2, 3 and 4 consents

Reports from Director Development Services

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not consumed by the Stage 2 Consent No. K99/1360, Stage 3 Consent No. K99/1733, or Stage 4 Consent No. K99/1732 Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12(a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

$\text{\$Unit}$ 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

b. Street Trees: 44 lots @ \$42.90 per lot \$1,887.60

S94 Plan No. 6

c. Shirewide Library Facilities:

44 lots @ \$300 per lot \$13,200.00

S94 Plan No. 11

d. Eviron Cemetery/Crematorium Facilities:

44 lots @ \$126 per lot \$5,544.00

S94 Plan No. 13

Reports from Director Development Services

- e. Bus Shelters: 44 lots @ \$23 per lot \$1,012.00
S94 Plan No. 12
- f. Emergency Facilities (Surf Lifesaving):
44 lots @ \$250 per lot \$11,000.00
S94 Plan No. 16
- g. Extensions to Council Administration Offices:
& Technical Support Facilities
44 lots @ \$344.81 per lot \$15,171.64
S94 Plan No. 18
- h. Structured Open Space:
44 lots @ \$640.00 per lot \$28,160.00
S94 Plan No. 19
- Note: credits will apply for any structured open works undertaken pursuant to Stages 2, 3, 4 & 6 and in accordance with the provisions of Section 94 Plan No. 19**
- i. Cycleways: 44 lots @ \$160 per lot \$7,040.00
S94 Plan No. 22
- NB. Contribution to be credited against cost of works in condition No. 44(ii).**
- j. Community Facilities: 44 lots @ \$497 per lot \$21,868.00
S94 Plan No. 19
28. 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.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Reports from Director Development Services

Stage 5

Water: 44 lots @ \$3590 per lot \$157,960.00

Local Section 64 Water Supply levy \$9,020.00

44 lots @ \$205 per lot

Sewer: 44 lots @ \$2970 per lot \$130,680.00

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

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.

FURTHER APPROVALS

29. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

(a) Subdivision Work

In the case of an application for a construction certificate for subdivision work required by this consent:

- (i) copies of compliance certificates relied upon
- (ii) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans

Reports from Director Development Services

- location of all service conduits (water, sewer, NorthPower and Telstra)
- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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.

30. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
31. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount of \$10,000.
- The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent, which are not being addressed to the satisfaction of Council.
- The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.
32. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.
- (i) The following information must accompany an application:
 - (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot

Reports from Director Development Services

Stage 5- 47 lots @ \$115/lot = \$5,405.00.

- Relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for ALL works
- (ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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.

33. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation

Reports from Director Development Services

- (iv) Compliance Certificate - Sewerage Pump Station/vacuum pots
- (v) Compliance Certificate - Drainage

Note:

- i. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
- ii. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement
- h. Final inspections - on maintenance
- i. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels

Reports from Director Development Services

- h. Final inspection - on maintenance
- i. Off maintenance

Sewer Pump Station

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical
- e. Commissioning - on maintenance
- f. Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

- iii. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
34. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

Note: Where Council carries out works on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

35. Prior to the issue of a Subdivision Certificate a maintenance bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

36. (i) PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Reports from Director Development Services

- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names, which duplicate existing and approved street names, will not be approved.

37. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- i. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - ii. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - iii. That the pavement layers have been compacted to RTA specifications.
 - iv. That site fill areas have been compacted to the specified standard.
 - v. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - vi. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
38. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.
39. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

40. Submission of documentary evidence that adequate vehicular access in accordance with Council's "Access to Property" pamphlet can be provided to each lot.
41. All proposed road/streets (including road No. 1), drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition No. 11 AND the relevant provisions of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
42. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

Reports from Director Development Services

- i. Construction of the roads in the subdivision shall be generally in accordance with Cardno MBK Figures E320, except where varied by the table below, and where varied by these conditions.
- ii. Road cross sections employing “roll over” kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
- iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
- iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.
- v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.

Roads 2 and 7 shall be through roads and the constructed pavement shall be connected at the same level via a roundabout.
- vii Roundabouts shall be constructed at the following intersections in accordance with Austroads Pt.6 – Roundabouts;

Road No. 2 and Road No. 7 – Outside circulating diameter to be a minimum of 28.0m
- viii. Provision shall be made in the engineering plans for one (1) Bus shelter on Road No. 2. The location of this bus shelter shall be determined after consultation by the applicant with the bus operators. The type and style of the bus shelter shall be approved by Council prior to installation and shall be clearly identified on the engineering plans lodged with the Construction Certificate.
- ix. Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads and shall be in accordance with the table below.
- x. The intersection of Road No. 1 and the new Coast Road shall be constructed to a Type C standard including channelisation, line marking and street lighting in accordance with Austroads Part 5, ‘Intersections at Grade’.

Figure	Road Number	Min. Road Reserve	Min. Carriage way Width	Min. Footway Width
E320	2	20.0m	11.0m	4.5m (paved footway width 1.2m both side)
E320	6	18.0m	9.0m	4.5m (paved footway width 1.2m both sides)

Reports from Director Development Services

E320	7	14.0m	7.5m	3.25m (single paved footway width 1.2m)
E320	8	14.0m	7.5m	3.25m(single paved footway width 1.2m)
E320	9	14.0m	7.5m	3.25m(single paved footway width 1.2m)

43. All permanent culs-de-sac shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
44. i. All cycleway, walkways and coastal walkway/cycleways shall be designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleway (Element 1.4 and PND17), and construction in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.
- ii. Pursuant to Section 94 Plan No. 19 and Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 5 as shown on Map 5 contained within Section 94 Plan No. 19.
- iii. Alternatively, the developer may, in the case of residential frontage footpaths, pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
- iv. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
45. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.

DRAINAGE/FLOODING

46. All fill of new residential lots is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application.
47. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.

Reports from Director Development Services

48. All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.
49. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
50. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
51. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. A certificate shall accompany the geotechnical report from a registered Geotechnical Engineer, certifying that the filling operations comply with AS3798-1996.
52. Prior to final acceptance of the Stormwater system and release of the maintenance bond a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

53. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
54. 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.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

55. **Drainage**

- (a) For the purposes of this condition "trunk drainage" shall be defined as
 - i. the drain from the outlet of the pipe adjacent to proposed Lot 139 to controlled outlet No. 11, and

Reports from Director Development Services

- ii. the drain from the rear of proposed Lots 140 – 143 to controlled outlet No. 7.
- (b) Trunk drainage shall be designed to convey Q100 stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council. The land to be dedicated shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to an all weather, two wheel drive standard.
- (c) Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.
- (d) Drainage across proposed stage 1 active open space management Lot 10 shall be confined to the southern boundary and shall be underground and sized to accommodate Q100 flows from stage 5. This drain shall discharge to the Coast Road table drain. The applicant may propose an alternative system, which does not compromise the open space use of lot 10 and is approved by Council..

56. Landform

The subject land shall be shaped in general accordance with Cardno MBK Figure E306 “Finished Surface Plan” as limited by Figure E322 “Bulk Earthworks” and:

- (a) Provision shall be made to ensure surface runoff does not discharge onto adjoining land.
- (b) Provision shall be made to accept up to Q100 natural or existing surface runoff from adjacent land that discharges onto the subject land.
- (c) Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls and any necessary ancillary or drainage works shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjacent land. Plans and specifications of the retaining walls and ancillary works and the written consent of the adjacent landowner shall be submitted with the construction certificate application.

NB. As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any land forming activity that may adversely affect adjoining land.

57. Permanent Stormwater Quality Treatment

(A) Stormwater Quality Objectives

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of

Reports from Director Development Services

Development” . New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3”.

“Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak.”		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(B) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices, which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(C) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).

Reports from Director Development Services

- ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
- iii. The infiltration rate for infiltration devices shall be determined as follows
 - Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994. Disposal Systems for Effluent from Domestic Premises.
 - If the above calculation yields a result $<6\text{m/day}$, this rate may be used for design.
 - If the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day

(D) Specific Requirements

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E – Tweed Shire Council, Aus-spec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

Unless stated otherwise, references in brackets refer to sections on devices in NS W EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

- (i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
 - As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs
 - Surchage overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).

Reports from Director Development Services

- (ii) Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels.

Note: Swales are not preferred as a substitute for kerb and gutter

- where on street parking is required, unless cars can be excluded from swale area
- on roads serving small lots with numerous driveways
- where gradients are <1% or >5%)

- (iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the swale drain in the future reserve west of proposed lot 139.

- (iv) Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 11 to infiltrate runoff from stormwater flows of up to 40% of ultimate Q 1 year. Infiltration basin sizing shall be determined on a catchment basis. The “catchment” shall be the total area draining controlled outlet to No. 11.

- (v) Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 7 to infiltrate runoff from stormwater flows of up to 40% of ultimate Q 1 year. Infiltration basin sizing shall be determined on a catchment basis. The “catchment” shall be the total area draining controlled outlet to No. 7.

- (vi) The infiltration basins shall be contained within reserves to be dedicated to Council. As an interim measure the infiltration basins for west flowing runoff may be located in easements. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Director of Environment and Community Services.

- (vii) Infiltration basins are to consist of raw dune sand with a minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.

58. Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.2 “Stormwater Objectives During the Construction Phase of New Development”. This section requires all new development to comply with Appendix E of the Plan “*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*” and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”. Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

Reports from Director Development Services

59. This condition refers to proposed lots 144, 145 and 146.

Prior to the issue of any Subdivision Certificate the following shall be required;

- (a) Sufficient permanent infrastructure must be constructed in the subdivision that creates these lots so that they may be capable of being developed to their ultimate capacity by subsequent applicants without any requirements for provision or augmentation of external infrastructure. All proposed infrastructure that crosses the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.
- (b) These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer than 40m is discharged to these inlets. Provision shall be made outside the lots for acceptance and transport of ultimate and interim Q100 flows from the lots.
- (c) Where infrastructure required to serve a future development lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure (and necessary access roads to such infrastructure).
- (d) Any public utilities currently located in these lots are to be either relocated to public land or easements created over the existing alignments

SERVICES

Sewer

60. The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.
61. (i) Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

- (ii) Any Sewerage Works required by the Stage 1 Consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services PRIOR to release of the linen plan.

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.

Reports from Director Development Services

62. Prior to final acceptance of the Sewer system and release of the maintenance bond a CCTV inspection of the sewer pipes will be required to demonstrate that the standard of the sewer system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

Water

63. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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.

64. The applicant shall lodge with the Construction Certificate application for stage 5 a detailed demand analysis for the proposed pipe network which clearly shows that peak demand and fire fighting requirements are satisfied.
65. The abandoned 250dia. water main which traverses stage 5 must be removed prior to the issue of the Subdivision Certificate.

Telephone

66. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply, prior to issue of a Subdivision Certificate.

Electricity

67. (i) The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and
- (ii) Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council, the proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) to be submitted with the Construction Certificate Application.

ENVIRONMENT PROTECTION

68. 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.
69. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

Reports from Director Development Services

70. 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.
71. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
72. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- (i) Contours and terraces where the height exceeds 1m.
 - (ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - (iii) Densely plant with sub-tropical (rainforest) native and native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - (iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - (v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - (vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
73. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
 74. 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.
 75. Construction site work including the entering and leaving of vehicles is to be restricted to between 6.00 am and 8.00 pm Monday to Saturday and no work on Sundays, providing that no residential premises are adjacent to the site, in which case construction times are to be limited to 7.00am to 7.00pm Monday to Saturday.
 76. 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.

Reports from Director Development Services

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.

77. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- A. i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- ii. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
- iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

- B. The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

78. 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 Council.

79. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

Reports from Director Development Services

80. In accordance with Condition 34 of Consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any management lot, all existing bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.
81. PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.
82. The applicant shall add to the submitted Acid Sulfate Soil Management Plan (page 8), the following requirement:- *'Council will be informed within 7 days of any non-compliant results, particularly in relation to exceedances of the nominated range for each water quality parameter'*.
83. In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letter dated 24 May, 2000 and 1 August 2000, the following requirements shall be complied with:-
- i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.
 - ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.
 - iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, a tree of similar size shall replace it, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.
 - iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.
 - v. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.

Reports from Director Development Services

REPORT:

Applicant: Kings Beach Project (No. 2) Pty Ltd (Consolidated Properties)

Owner: Lenen Pty Ltd

Location: Lot 4 DP 1104470 Coast Road, South Kingscliff

Zoning: Part 2(e) Residential (Tourist)

Est. Cost: \$1,280,800

BACKGROUND

Council is in receipt of a development application (DA2000/680) for the subdivision of the subject land into 45 lots, consisting of 42 residential lots and three (3) residual lots identified for future medium and high-density development. The subdivision is known as Stage 5 of Casuarina Beach Development. The subdivision is proposed on land described as Management Lot 4 as approved in the Stage 1 consent. This lot has since been formally created and is identified as Lot 4 DP 1014470.

The subject land is located in the middle section of the wider Casuarina Beach site. Those lands proposed to be subdivided are presently zoned 2(e) Residential Tourist pursuant to Tweed Local Environmental Plan 2000.

A flora and fauna assessment accompanies this application.

The site was zoned Residential/Tourist in 1989 for urban development following the preparation of the South Kingscliff Study. Following is a history of development consents relating to the entire Kings Beach site.

- On 16 December 1998, the Land and Environment Court issued development consent S96/135 for the subdivision of the subject land into 14 lots and the carrying out of Stage 1 works. It is considered that all relevant conditions of development consent S96/135 have been satisfied or can otherwise be addressed by the recommended conditions.
- On 31 May 2000, Council resolved to grant consent (K99/1360) for the subdivision of management lots 1, 2, 12 and parts of 3, 9 and 13 into 82 lots at the Kings Beach site. This is otherwise known as Stage 2.
- On 31 May 2000, Council resolved to grant consent (K99/1733) for the subdivision of management lots 5, 7, 14 and part 13 into 86 lots at the Kings Beach site. This is otherwise known as Stage 3.
- On 31 May 2000, Council resolved to grant consent (K99/1732) for the subdivision of management lots 3, 4, 9 and part of 13 into 101 lots at the Kings Beach site. This is otherwise known as Stage 4.
- On 29 May 2000, Council received development application/s DA2000/680 (Stage 5) and DA2000/681 (Stage 6). Stage 5 is the subject of this report. Stage 6 is the subject of a separate report.

Reports from Director Development Services

Consent S96/135 (Stage 1)

As previously discussed the Land and Environment Court issued consent for the subdivision of the subject land into 14 lots and the carrying out of Stage 1 works. The final linen plan (Subdivision Certificate application) has been released and registered as DP 1014470 on 26 June 2000.

Conditions of consent S96/135 which affect this application are discussed below:-

“A (i) *The subdivision of the land into 14 lots as shown generally on the Subdivision Plan*”.

Comment:

The application is generally consistent with the Subdivision Plan.

“A (iii) *The development of the management lots for the purposes of low and medium density residential, retail, commercial and tourist development together with associated and related uses and facilities generally in accordance with the Development Plan*”.

Comment:

The Stage 2 Development Master Plan is not the same as the Development Plan but is considered to be “generally in accordance” with same.

The Casuarina Beach Concept Master Plan submitted with the development application is not the same as the Development Plan approved by the Court. The Casuarina Beach Concept Master Plan includes the former Narui Coastal Site and accordingly, it is considered that the Stage 1 consent should be modified to include the Kings Beach Master Plan in lieu of the Development Plan.

“1. *The total population yield from the development of the Management Lots in accordance with the further development consents referred to in Condition 2 shall be based upon the following estimates:*

<i>Lots</i>	<i>Population</i>
<i>1</i>	<i>550</i>
<i>2</i>	<i>620</i>
<i>3</i>	<i>1100</i>
<i>4</i>	<i>700</i>
<i>5</i>	<i>1520</i>
<i>6</i>	<i>400</i>
<i>7</i>	<i>710</i>
<i>Total</i>	<i>5600</i>

Reports from Director Development Services

Comment:

The estimated population yield in the Stage 1 consent for management lot 4 is 700 persons. The current application comprises only 117 persons of the desired yield. It is however noted that the subject application comprises only a portion of management lot 4 and that future development of those lots identified for medium density is not proposed at this stage. Furthermore, a number of allotments were also approved over lot 4 pursuant to the stage 4 consent. The final population yield for management lot 4 is considered likely to increase substantially upon further development of the remainder of management lot 4 and the erection of future medium density development. However, at this stage the final yield is impossible to determine (See section (iii) of this report under DCP11 - Kings Beach for further comments on this issue). DCP No. 11 and the Section 94 Plan should be amended in the event that Council approves this Development Application.

“3. The development shall be carried out generally in accordance with the Development Plan, except where varied by these conditions”.

Comment:

See A(i) above.

“18 (iv) A report detailing water sampling results from the surface water and groundwater monitoring programs shall be submitted to Council prior to the commencement of any new stage of the development, including details of any relevant previous failure to meet water quality discharge objectives or standards. The report shall include a recommendation as to any proposed amelioration works required to be implemented to rectify the said failures and shall further include an indication as to whether the development may satisfactorily proceed.”

Comment:

A Water Quality Monitoring and Management Program has been submitted for this application and is to the general satisfaction of the Environment and community Services Division.

“32. The following controls shall apply to dog and cat ownership and a restriction as to user shall be created on the Management Lots under Section 88B of the Conveyancing Act, 1919-1964 in the following terms:

- i. No property owner shall have more than one dog or one de-sexed cat;*
- ii. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and that any owners of cats within the development be restricted to one de-sexed cat per allotment and to have their cats restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.*
- iii. No dog to be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.*
- iv. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.*

Reports from Director Development Services

This section 88B Instrument shall make provision for amendment, revocation or variation of restriction required by this conditions only with the approval of Council as the authorised authority.”

Comment:

This condition should be imposed on any consent for this application.

“34 Prior to issuing a construction certificate for future development of any Management Lot, all existing Bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof”.

Comment:

This condition should be imposed on any consent for this application.

“35. A Dune Management Plan shall be prepared to the satisfaction of the Director of Development Services in respect of the Foredune lands adjoining the Land and be submitted in conjunction with the Part XII Engineering Plans”.

Comment

A Dune Management Plan has been submitted and approved by Council and the Department of Land and Water Conservation.

Consent under Part V of the Environmental Planning & Assessment Act, 1979, is required for the works proposed in the Dune Management Plan. To date, no approval has been received for the works proposed by the Dune Management Plan. It is therefore considered that any consent should be conditioned to require the applicant to demonstrate that approval under Part V has been obtained.

“38. The land shown on the Subdivision Plan as Lots 8, 9, 10, 11, 12, 13 and 14 shall be dedicated to the Council as public open space at no cost in conjunction with registration of the linen plan of subdivision creating the allotments”.

Comment:

These lots have been dedicated to Council by registration of DP 1014470 on 26 June 2000.

39b Construction of each section of walkway/cycleway immediately east of any management lot shall be completed prior to the release of the linen plan for future subdivision of the respective management lot”.

Comment:

This condition should be imposed on any consent.

“39c Notwithstanding the previous paragraph the walkway/cycleway adjacent to Lots 1, 2 3, 4, 5, and 7 must be completed within four (4) years of the release by Council of the linen plan of subdivision for Stage 1 or the re-subdivision of the management lots or immediately following construction of the cycleway/walkway from Cudgen Headland to the northern boundary of the land, whichever occurs first”.

Reports from Director Development Services

Comment:

This will be included as a condition on any consent for this application.

“39e The design of the walkway shall be integrated with any adjacent proposed car parking areas and beach access points and shall extend for the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the written approval of the Reserves Trust”.

Comment:

Any consent will be conditioned appropriately.

“39f The applicant and/or owner shall prepare and submit a plan for the approval of the Director of Development Services within 6 months of the release of the linen plan for Stage 1 for the embellishment works on Lots 12, 13 and 14 and such plan shall provide for:

- (i) removal of bitou bush and other noxious weeds.*
- (ii) rehabilitation of the area consistent with the Dune Management Plan referred to in Condition 35 of the Consent Orders and good practice in this regard.*
- (iii) provision of adequate and appropriate security lighting for users of Lots 12, 13 and 14.*
- (iv) provision of suitable related day visitor facilities, generally consistent with drawings contained in Appendix E to the statement of Environment Effects”.*

“39g (i) A schedule for the implementation of the embellishment works including the relationship between the works set out in f(iii) and (iv) to the development of any management lots shall be submitted and approved by the Director, Development Services as part of the plan referred to in Condition 39(f).

- (ii) The embellishment works required by Conditions 39(f)(i-iv) shall be completed within four (4) years of the release by Council of the linen plan of subdivision for Stage 1.*
- (iii) If the walkway/cycleway or any part thereof is constructed in accordance with Condition 39(b) then the embellishment works referred to in this condition or in Condition 39(f)(i-iv) shall be carried out concurrently in respect of Lots 12, 13 and 14 in which the walkway/cycleway is constructed.*
- (iv) If at the time of sale by Lenen Pty Ltd of any of lots 1 to 5 and 7 and the embellishment works referred to in Condition 39(f)(i-v) have not been completed in Lots 12, 13 and 14 as those lots are immediately east of the management lot as then sold the applicant shall provide in respect of those embellishment works a bond equivalent to the cost of those works plus 20%”.*

Reports from Director Development Services

Comments:

It is considered that the requirements of conditions 39(f) and 39(g) can be adequately conditioned on any consent for this application.

- “41(a) Any development application with respect to any of the Management Lots shall provide for the planting of not fewer than the number of *Banksia integrifolia* shown in the Table hereunder against each such lot and totalling not less than 5400 stems provided that those numbers shall be reduced so that they total the difference between 14000 and the total number of stems planted pursuant to condition 40 (where they total more than 8600).

To avoid the potential for a Banksia monoculture, the numbers of Banksias proposed for replanting shall include a proportion of other relevant flowering native species depending on the location for replanting. These other relevant species shall be of a type that provides a food source for the Queensland Blossom Bat. Approximately 20% of the planting shall comprise other relevant flowering species.

Lot No	Compensatory Planting (stem numbers)
1	690
2	382
3	1256
4	1232
5	1435
6	49*
7	356
Total	5400

Comments:

Based on advice from the NPWS dated 16 May 2000, this condition has been complied with. See further comments in relation to Condition 41(d), 46 and 47.

- “41(c) The Applicant shall within 6 months of the date of this consent provide to the Council and the National Parks and Wildlife Service an estimate of the number of productive inflorescences that are within the site of the relocated Coast Road and the Management Lots at that time.”
- “41(d) Where an application is made for consent to the development of a Management Lot within 8 years of the completion of the planting referred to in Condition 40, the applicant for such consent shall be required, prior to such a consent being

Reports from Director Development Services

granted, to satisfy the National Parks and Wildlife Service that the removal of any Queensland Blossom Bat foraging resource from that Management Lot will not unduly reduce the total productive inflorescences referred to in (c) above or that such removal may proceed notwithstanding any such reduction”

Comment:

A report on the “Impact on Common Blossom Bat Habitat for Stage 2 Development” prepared by James Warren and Associates Pty Ltd dated September 1999, accompanied the stage 2, 3 and 4 applications. A copy of this report was sent to the NPWS for assessment and comment. In summary, NPWS approved the selective removal of habitat in Stages 2, 3 and 4 in accordance with condition 41(d), subject to further conditions, which were included in the consents for stages 2, 3 & 4, along with being relevant to the subject application. The stage 5 application is located entirely within those lands subject to assessment within the stage 4 application, and accordingly, NPWS have advised Council that for the purposes of this application (stage 5), the provisions of condition 41(c) and (d) have been satisfied. A copy of this letter, dated 1 August 2000 is incorporated into this report.

- “46. Monitoring of the plantings in condition 40 shall occur every three months for the first year and thereafter at six monthly intervals unless otherwise agreed. A monitoring report shall be produced every six (6) months and shall make recommendations regarding any ongoing modifications to the Planting for the approval of the Director of Development Services based upon advice from the National Parks and Wildlife Service. These recommendations shall include the need to replace any unsuccessful plantings up to four years after initial planting and which may have been unsuccessful or destroyed. The NPWS and DDS reserve the right to inspect progress at any time.*
- 47. No approval shall be granted for development of any Management Lots unless the monitoring reports referred to in Condition 46 are sufficient to satisfy the Director of Development Services based upon advice from the National Parks and Wildlife Services that the plants are maturing in accordance with the programme set out in the Vegetation Management Plan. Each subsequent development application will detail the locations, timing and methodology of any further plantings proposed in accordance with Condition 42 above”.*

Comment:

The applicant has submitted the first Monitoring Report dated 15 September 1999 and that report was to the satisfaction of the NPWS. The second monitoring report was submitted to the NPWS on 5 May, 2000 and the Service has responded as follows:-

“There has been insufficient time since receipt of the second monitoring report for the NPWS to provide a detailed review. A brief study suggests that, although most of the 15,000 planted trees seem to be surviving, current growth seems to be slow. At this rate, it appears unlikely that sufficient compensatory foraging resource will be available within the next eight years (the original timeframes) and certainly not within the next four years (the revised timeframe)”.

Reports from Director Development Services

In view of the Services comments in relation to Condition 41(d) and having regard to the additional conditions arising from the NPWS letters of 16 May, 2000, 24 May, 2000 and 1 August 2000, the Director of Development Services is satisfied that conditions 46 and 47 have been complied with to a sufficient extent to enable the Stage 5 application to be recommended for approval.

“49. The applicant shall have prepared a Environmental Plan of Management by a suitably qualified person in conjunction with the Dept. of Land and Water Conservation and the Director of Development Services in respect of so much of Lot 500 as adjoins the Land that addresses any potential impacts on any threatened species, eg., oystercatchers, Little Terns and turtles, found using the beach and foredunes. This plan shall consider the exclusion of the public, domestic pets, feral animals, and four wheel drives from any detected nesting or roosting areas and the replanting of the dunes with suitable native vegetation including Banksias.”

Comment

See comments for condition 35.

Deed of Agreement.

The terms of the Deed of Agreement for the Stage 1 consent, which affect the proposed Stage 5 application are discussed below:

“2.2 Richtech shall execute a transfer to the Council of the Amelioration Land for the amount of \$1 within 28 days of the Consent becoming operational pursuant to the Act. The transfer shall not be registered by the Council and shall be held in escrow until the Amelioration Land has been dedicated to Council pursuant to the Section 94 Plan whereupon the said transfer shall be cancelled and returned to Lenen.”

Comment:

The amelioration land has not been transferred to Council, however this would not preclude determination of this application.

“2.7 Council shall not object to the closing and transfer to Lenen of any reserved roads within the Development Land which are rendered unnecessary by the Development, subject to alternative legal access being made available when any closing would sever public access to the beach or Lot 8. The Council will cooperate with Lenen in any application by Lenen to close the said roads.”

Comment:

The proposed development does not compromise the above provision of the deed of agreement:-

“2.8(b)(ii) The passive open space depicted as “Public Open Space for Later Dedication” on McInnes Group Plan Number MG9808/4 dated 5 October 1998 and generally described as public open space related to drainage reserves and the community common of 9200 square metres (hereinafter referred to as the “Later Open Space Dedicated Land”), shall be required to be dedicated, and Lenen hereby consents to such dedication at no cost to Council of the Later Open Space Dedicated Land.

Reports from Director Development Services

Comment:

The applicant has submitted subdivision plans showing a portion of proposed Lot 146 as “*Future Public Reserve*”. It is considered that one of the intentions of the deed of agreement was to ensure that land was dedicated as lots are created. In this regard, the land shown as “*Future Public Reserve*” should be dedicated to Council now rather than at some stage in the future. It is considered that this issue can be satisfactorily addressed via the imposition of a suitable condition.

DESCRIPTION OF THE PROPOSAL

The subdivision application seeks development consent for the subdivision of the land at Casuarina Beach identified as part management lot 4 as identified in the stage 1 consent, this allotment has since been formally created and is identified as Lot 4 DP 1014470. The proposal is to subdivide the land into 45 lots consisting of 42 residential lots (inland lots) and three (3) larger lots identified for future medium to high-density development (subject to future development application/s). Proposed Lot 146 (identified for future development) also identifies an area identified for future public reserve.

Consultation

This application was referred to the following Government Authorities.

1. National Parks and Wildlife Service (NPWS)

A summary of their submission is provided below with comments where appropriate.

1. National Parks and Wildlife Service

The application is accompanied by a flora and fauna assessment in relation to the stage 5 proposal. This report, together with the application was sent to the NPWS for assessment and comment where relevant. NPWS provided Council with a formal response on 27 July 2000. The NPWS comments are provided below in summarised form, with comments provide where appropriate.

The NPWS identified concern over the removal of additional habitat for the Queensland Blossom Bat as a result of the proposed development and that no additional amelioration measures are proposed, over and above what was considered satisfactory for the stage 2, 3 and 4 consents. In this regard, NPWS suggested that the applicant and Council should consider appropriate amelioration measures, including the deferral of additional areas from development. NPWS also identified concerns in relation to the likely impacts of the proposal in relation to populations of Marine Turtles and Glossy Black Cockatoos and the provision of adequate east-west habitat connections. The letter also discussed the adequacy of proposed fire mitigation measures and the potential impact of the proposal in relation Cudgen Creek, neighbouring SEPP 14 areas, coastal erosion, aboriginal heritage and NPWS estate.

It is pertinent to note that the issues raised in this letter were done so in the belief that the proposed stage 5 and 6 developments were entirely separate from the stage 2, 3 and 4 developments.

Upon receipt of the above response, Council officers advised NPWS that the proposed stage 5 and 6 development were in fact located within those lands subject to assessment under the stage 3 and 4 applications, and that no further habitat disturbance is proposed other than what has already been

Reports from Director Development Services

agreed to pursuant to the stage 3 and 4 consents. In light of this, NPWS were invited to review their assessment of the stage 5 and 6 applications.

Council received a revised response from NPWS on 1 August 2000. This response is outlined in summary below:-

“The NPWS agrees that the boundaries of the proposed Stage 5 are contained within the boundaries of Stage 4 and that the boundaries of the proposed Stage 6 is, generally, within the boundary of Stage 3. The anomaly in the case of Stage 6 is that it is partially located on management lot 6, which is excluded from the Stage 3 development consent.

In view of the above, the NPWS will not be pursuing the deferral of any areas additional to those agreed at the meeting of 22 March 2000 and depicted in the accompanying attachment. In consideration of NPWS role under Condition 41(d) of the Stage 1 consent order please be advised that the Stage 5 DA is satisfactory and that the Stage 6a component of the Stage 6 DA is satisfactory. It is understood that Stage 6b has been withdrawn pending the finalisation of a survey of the boundaries of the deferred areas depicted in the attachment.

In correspondence dated 24 May 2000, NPWS recommended a variation to the consent conditions proposed for Stages 2, 3 & 4 to which Council generally agreed. It is recommended that these consent conditions also apply to Stages 5 & 6, thereby ensuring a consistent approach to the Das that area lodged over lands covered by development consents for previous stages of the development.

Comment

Having regard to the above NPWS comments, it is now considered that Condition 41(d) of Consent S96/135 is satisfied subject to the imposition of the same conditions imposed upon the stage 2, 3 & 4 consents as outlined in the NPWS letter dated 1 August 2000.

Reports from Director Development Services

FIGURE 1 – SITE DIAGRAM

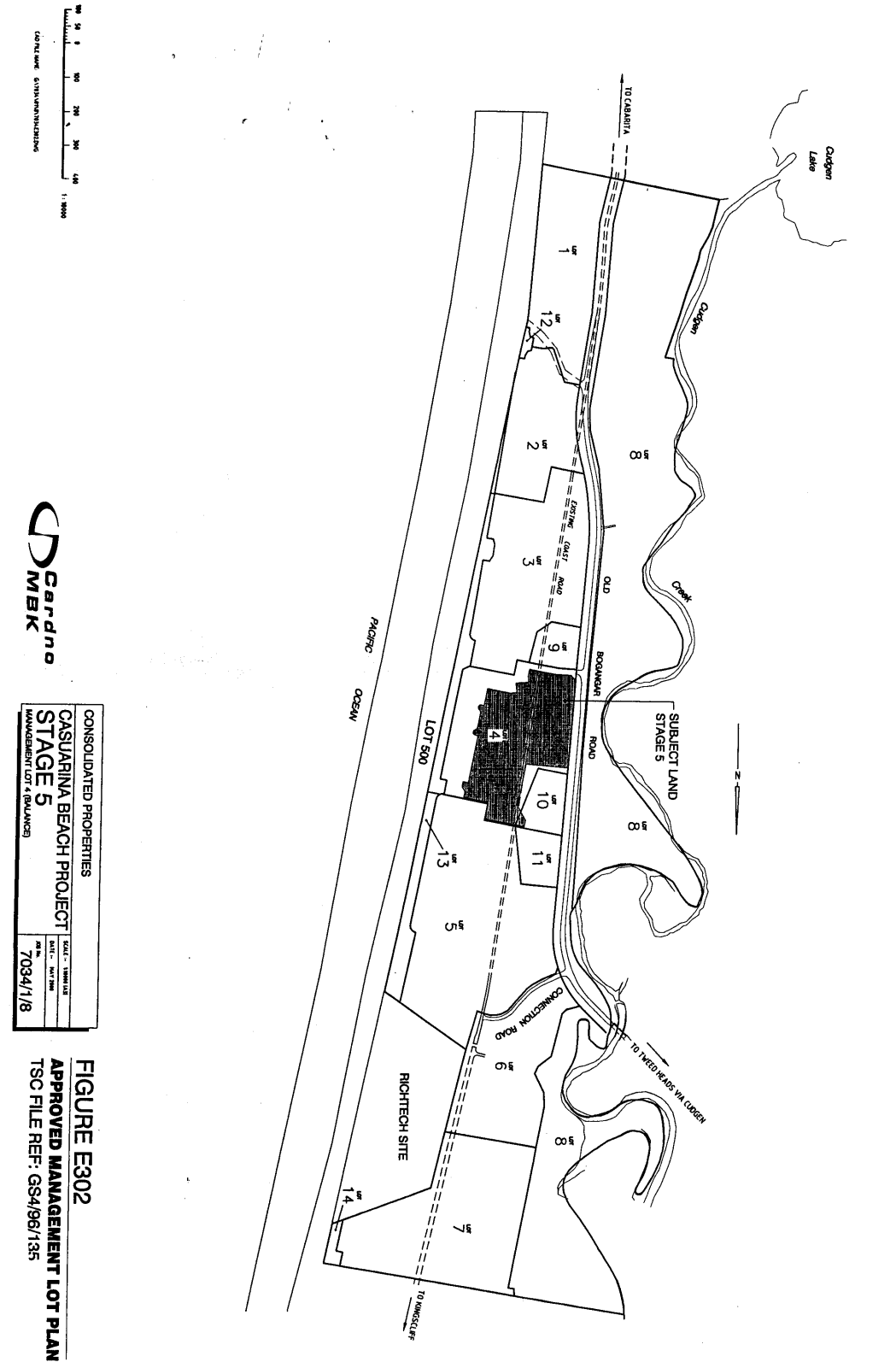


FIGURE E302
APPROVED MANAGEMENT LOT PLAN
 TSC FILE REF: GS4/99/135

Reports from Director Development Services

FIGURE 2 – LOT LAYOUT

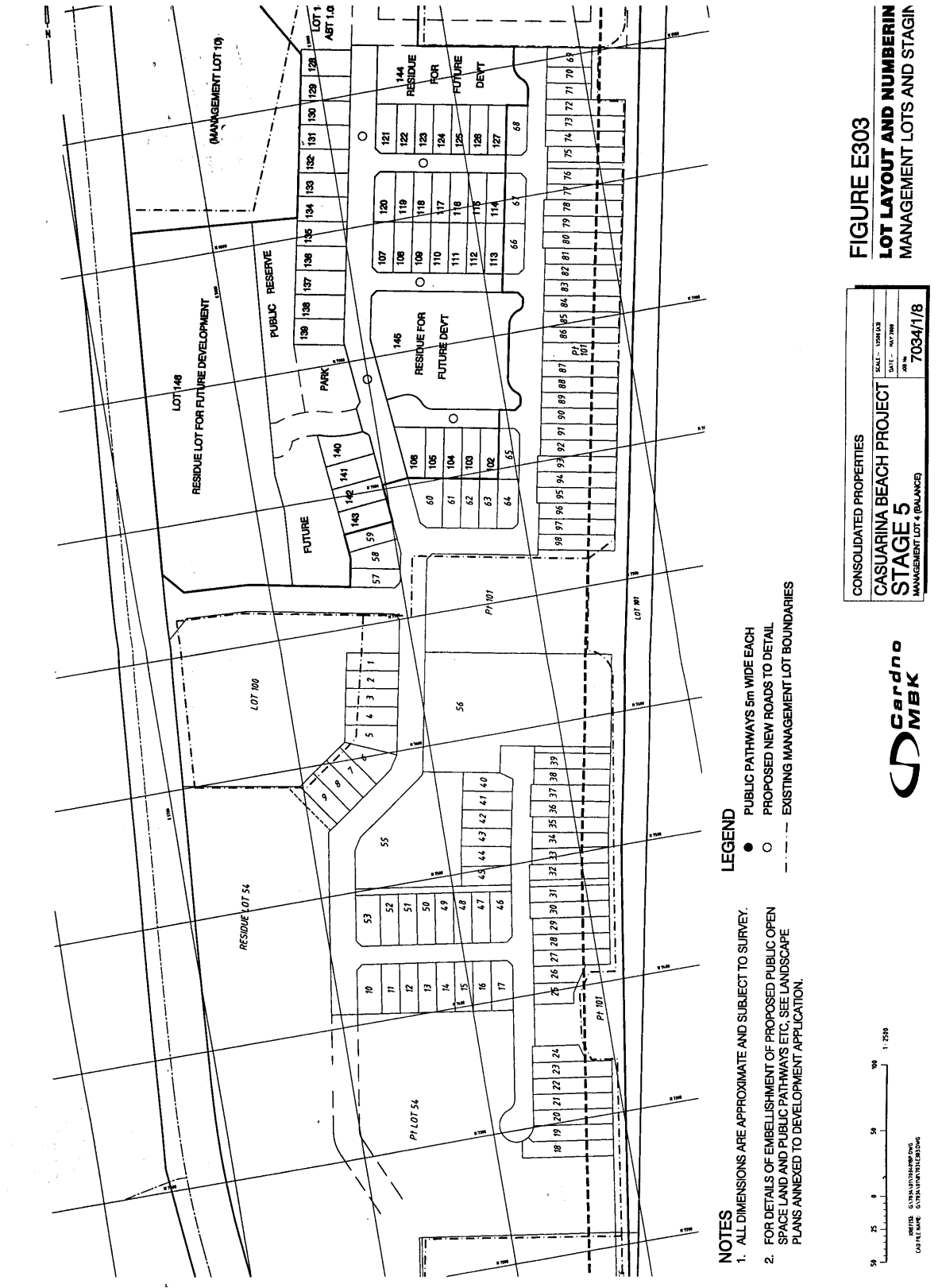


FIGURE E303
LOT LAYOUT AND NUMBERING
MANAGEMENT LOTS AND STAGI

CONSOLIDATED PROPERTIES	SCALE - 1:250 FOR
CASUARINA BEACH PROJECT	DATE - NOV 2000
STAGE 5	JOB NO
MANAGEMENT LOT 4 (BALANCE)	7034/1/8



- NOTES**
1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO SURVEY.
 2. FOR DETAILS OF EMBELLISHMENT OF PROPOSED PUBLIC OPEN SPACE LAND AND PUBLIC PATHWAYS ETC. SEE LANDSCAPE PLANS ANNEXED TO DEVELOPMENT APPLICATION.

- LEGEND**
- PUBLIC PATHWAYS 5m WIDE EACH
 - PROPOSED NEW ROADS TO DETAIL
 - - - EXISTING MANAGEMENT LOT BOUNDARIES



Reports from Director Development Services

EVALUATION

A complete assessment of the application against the matters for consideration under Section 79C(1) of the Environmental Planning & Assessment Act, 1979 is provided below.

(a) (i) Planning Instruments

Tweed Local Environmental Plan 2000 (TLEP 2000)

The land, the subject of the proposed subdivision is zoned 2(e) Residential (Tourist). The proposed development is permissible with the consent of Council.

There following clauses within TLEP 2000 are considered relevant to the proposal.

Clause 17 - Social Impact Assessment

The objective of this clause is to ensure proper consideration of development that may have a significant, social or economic impact. In this instance, it is considered that this proposal will contribute to a significant social or economic impact.

This clause also provides that when Council considers that a development is likely to have a significant social or economic impact in the locality or Shire, as the case may be, the Council may only grant consent to the development if it has considered a social impact statement in respect of the proposed development.

The application indicates that the impacts of the proposed development have already been addressed as part of the development application that culminated in the Consent Order S96/135.

It is considered that a Social Impact Assessment is not necessary as this application is generally consistent with the Stage 1 consent and some positive economic and social impacts will result.

Clause 22 - Development near Designated Roads

Coast Road is a 'designated road' pursuant to the provisions of TLEP 2000. The subject land is adjacent to and possesses direct frontage to Coast Road.

Clause 22(4) states as follows:

“(1) The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

- (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that*

Reports from Director Development Services

- through traffic movement on the designated road is not impeded, and*
- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*
 - (d) where the land is in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and*
 - (e) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and*
 - (f) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and*
 - (g) where practicable, access to the land is provided by a road other than the designated road, and*
 - (h) in respect of any application for commercial or retail development near the Pacific Highway in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development:*
 - (i) would not compromise the Highway's function as the North Coast's primary inter- and intra-regional road traffic route, and*
 - (ii) would not contribute to the need to expend public money on the Highway to overcome the effects of ribbon development, and*
 - (iii) would not compromise highway safety and efficiency, and*
 - (iv) would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway-orientated site."*

The application proposes only one access directly to the new Coast Road. The access point from the Coast Road was constructed as part of Stage 1 of the development.

Accordingly, it is considered that the proposal is acceptable in terms of planning for the efficiency of the Coast Road.

Proposed Lot 146 abuts the new Coast Road reserve, but does not have direct access to it. Although no details in relation to acoustic fencing and landscaping have been submitted with this application, any future application for development on proposed Lot 146 will need to be accompanied by an appropriate acoustical and landscaping report.

Reports from Director Development Services

Clause 29 - Development adjacent to Zone 8(a) National Parks and Nature Reserves

The Cudgen Nature Reserve is located to the south of the subject land. It is considered that the development is unlikely to significantly impact on wildlife habitat.

The Stage 1 application was supported by a Species Impact Statement, which identified the likely effects of the development on flora and fauna found in the locality. In addition, this application is also supported by a flora and fauna assessment, which generally concludes that the development is not likely to adversely impact on any flora and fauna in the locality.

Clause 35 - Acid Sulfate Soils

The applicant has submitted an acid sulfate soil management plan with the application generally to the satisfaction of Council's Environment and Community Services. Suitable conditions are applicable in this regard.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 15 - Wetlands and Fisheries Habitat

This clause provides that Council shall not consent to an application to carry out development within, adjoining or upstream of a coastal or inland wetland or fisheries habitat area or within a drainage catchment area of a wetland or fishery area unless it has considered the following matters:-

- a. the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat;
- b. the need to conserve the existing amateur and commercial fisheries;
- c. any loss of habitat which will or is likely to be caused by the carrying out of the development;
- d. whether an adequate foreshore reserve is available and whether this is adequate public access to that reserve;
- e. whether development would result in pollution of the wetland or estuary and any measures to eliminate pollution;
- f. the proximity of aquatic reserves dedicated under the Fisheries Management Act, 1994 and the effect the development will have on the reserves;
- g. whether the quality is in an area of protected land as defined in Section 21AB of the Soil Conservation Act, 1938 and any measures to prevent soil erosion;
- h. the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved;
- i. the recommendations of any environmental audit or water quality study prepared by the Department of Water Resources or the Environment Protection Authority in relation to the river, stream, wetland area or catchment.

Reports from Director Development Services

In regard to the above matters the following comments are provided:-

- (a)-(c) The application is supported by a water quality management and monitoring program, a erosion and sedimentation control plan and a acid sulfate soil management plan. These plans are satisfactory and should ensure that the quality of the water and habitat in and near Cudgen Creek is not significantly impacted upon.
- (d) There will be no affect on access to the foreshore of Cudgen Creek.
- (e) See comments in relation to (a-c) above.
- (f) There are no known aquatic reserves located in proximity to the site.
- (g) Cudgen Creek is not identified in the area of protected land.
- (h) The proposal will not result in the removal of vegetation along the watercourse.
- (i) There have been no recent environmental audits or water quality studies by the Department of Water Resources or Environment Protection Authority containing recommendations to the river, streams, wetland area or the catchment.

WBM Oceanics Australia prepared a Estuary Management Plan for Cudgen Creek on behalf of Tweed Shire Council, dated August 1997.

The Management Plan for Cudgen Creek has been prepared, taking into account habitat enhancement/conservation options, urban development, water quality, bank stability and opportunities for increased recreational usage of the Creek. The Management Plan is supported by technical analysis of specific issues, assessment of environmental benefits/debits and the need for further studies required to implement works. Additionally, priorities and costings to undertake the management actions described in the Management Plan are provided.

It is considered that the proposal is generally consistent with the principles of this plan.

Clause 29A(1) - Natural Areas and Water Catchment

This clause provides that Council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpments preservation zones unless it is satisfied that:-

- a. the wildlife habitat will not be significantly disturbed by the proposed development,
- b. the scenery will not be adversely affected by the proposed development, and
- c. an erosion and sedimentation control plan will be implemented which will successfully contain on the site any erosion and sediment caused by the development.

Reports from Director Development Services

In regard to the above matters, the following comments are provided:-

- a. The application is supported by a flora and fauna assessment which generally concludes that the proposal is unlikely to significantly affect any threatened species or habitat.
- b. It is unlikely that the scenery of the locality will be adversely affected by the proposal. The land in question will be subject to extensive landscaping and development restrictions.
- c. An erosion and sediment control plan accompanies the application and is satisfactory.

Clause 32B - Coastal Lands

The NSW Government Coastal Policy affects the application. See section titled NSW Coastal Policy 1997 of this report.

The proposal does not impede public access to the foreshore.

Clause 33 - Coastal Hazard Areas

It is considered that the proposal is generally consistent with this clause. The Crown land (Lot 500) to the east of the subject site will be subject to a Management Plan, to be approved by Council and the Department of Land and Water Conservation. This land will be extensively rehabilitated with native species.

Previous applications (along with the stage 1 consent) have identified a number of access points across the foredune areas, which provide suitable public access from the site to the beach. The proposed development does not incorporate the creation of any allotments adjoining the coastal reserve.

Clause 43 - Residential Development

This clause provides that Council shall not grant development consent for residential purposes unless,

- a. it is satisfied that the density of the dwellings have been maximised without adversely affecting environmental features of the land;
- b. it is satisfied that the proposed widths are not excessive for the function of the road;
- c. it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings, such as access to services and visible suitability of the land have been met;
- d. it is satisfied that the road network has been designed so as to encourage the use of the public transport and minimise the use of private motor vehicles;
and

Reports from Director Development Services

- e. it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

The significant environmental constraints on the land were identified in the Stage 1 consent and subsequently significant amounts of land identified for public open space and environmental protection has been dedicated for these purposes. However, the density of dwellings have not been maximised for this proposal and is not in accordance with the estimated population yields identified in DCP11 - Kings Beach. For more information on the population yields see the section on DCP11 - Kings Beach.

The proposed road hierarchy and public transport issues will be discussed later in this report.

No caravan parks are proposed and the sedimentation and erosion control plans accompanying the application is considered to be satisfactory.

Clause 66 - Adequacy of Community and Welfare Services

This issue was considered in the formulation of the Section 94 contributions plan applicable to the Kings Beach development. The staged provision of land/or contributions for provision and upgrading of community facilities is proposed, including community centre/multi-use hall, youth facilities, library facilities and health care facilities. Other local and subregional facilities are available at nearby Tweed Heads, Murwillumbah and Kingscliff including schools and hospitals.

Clause 81 - Development Adjacent to the Ocean or a Waterway

This clause provides that Council shall not consent to development on land within 100m of the ocean or any substantial waterway unless it is satisfied that:-

- a. there is sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development;
- b. buildings to be erected as part of the development will not detract from the amenity of the waterway; and
- c. the development is consistent with the principles of any foreshore management plan applying to the area.

The stage 1 consent provided for a condition that an appropriate cycleway/walkway is proposed along the eastern boundary of the subject land running north/south. Adjacent to this path are a number of proposed public parks and parking areas. To the east of the pathway is the Crown Reserve, which will have a number of access ways through it for the public to gain access to the beach. This reserve will be fenced for conservation purposes.

The proposed stage is considered unlikely to impede foreshore access.

No buildings are proposed as part of this application. However, it is unlikely that any buildings will significantly detract from the amenity of the waterway taking into consideration the extent of the Crown Reserve between the development and the beach.

Reports from Director Development Services

As previously discussed, a Dune Management Plan has been prepared for the Crown Reserve.

State Environmental Planning Policies (SEPPS)

SEPP11 - Traffic Generating Developments

In accordance with the provisions of this SEPP, the application was considered by the Local Traffic Committee. Their comments are provided below:-

“A Development Application has been received for Stage 5 of the Casuarina Beach development.

The application proposes the creation of a 45 Lot residential subdivision. In accordance with the mandatory provisions of SEPP 11, Local Traffic Committee comments are sought.

The committee notes the layout and discussed the proposed future intersection treatments at the Coast Road. No recommendations are made.

The proposal is considered to be consistent with the relevant provisions of SEPP 11.

SEPP44 - Koala Habitat Protection

The applicant submitted a SEPP 44 assessment on the 4 July 2000. The assessment submitted concludes that the subject site is of an unknown value as habitat for koalas. The subject site does not support any primary or secondary koala feed trees and is considered highly unlikely to provide koala habitat and therefore a plan of management is not required.

ii. The Provisions of any Draft Environmental Planning Instrument

There are no relevant draft instruments.

iii. Any Development Control Plans (DCPs)

DCP11 - Kings Beach

This is the principle DCP to guide future development and management of the Kings Beach development site. The proposal incorporates the subdivision of part of management lot 4 as identified in the stage 1 consent (Lot 4 DP 1014470). The DCP provides for specific provisions articulating the design and development principles relevant to the negotiated settlement between Lenen Pty Ltd and Tweed Shire Council. Those that specifically relate to this application are discussed as follows.

Clause 3.3 - Estimated Population Yields

The estimated population yield for management lot 4 provided by the DCP is 700 persons. The subject application indicates the population yield for management lot (for this stage) 4 at 117 persons, which is well below the estimate of 700. This estimate of 117 persons is based on the number of proposed residential lots to be created (at 2.6 persons per lot) but does not take into consideration the number of persons to be

Reports from Director Development Services

accommodated upon the remainder of management Lot 4 or the proposed larger residual allotments which have been earmarked for future medium to high density development. Given that the proposal does not incorporate the whole of Management Lot 4 or accurately forecast the population yield for those lots identified for higher density development, it is considered difficult to determine the actual compliance of the proposal in relation to clause 3.3 of the DCP. Notwithstanding, it is possible that the required population yield may be satisfactorily achieved when the remainder of the site is developed and subsequent applications are submitted. Future development applications over Management Lot 4 (Lot 4 DP 1014470) will need to be assessed with this in mind.

The DCP and the Section 94 Plan will need to be amended to reflect the expected population yields in the event that Council gives approval to this application.

Given that the population yields in the Stage 1 consent are somewhat arbitrary, it is considered that the reduced yields are acceptable, subject to formal amendment of the DCP and Section 94 Plan to reflect the changes.

Clause 3.5 - Urban Design Principles

1. The east/west cycleway/footpath linkages are considered to be generally consistent with that shown on the approved development plan.
5. The proposed configuration of the land identified as “*Future Public Reserve*” is considered to be generally consistent with that shown on the approved development plans.
6. This provides that approximately 500 public car parking spaces are to be provided within the Kings Beach site. The concept master plan for the whole site appears to provide for about 550 spaces. Accordingly, the proposal is supported in this regard.

No public car parking spaces are proposed as part of this application.

7. The applicant has identified “*Future Public Reserve*” on the submitted plans (part of proposed lot 146). A suitable condition can be applied to ensure that this land is satisfactorily dedicated in accordance with both the DCP and the deed of agreement.
13. The DCP provides that local parks shall be provided as part of the development of the management lots and that a minimum of 2000m² of useable recreation area and be not more than 250m from any dwelling and have public road frontage for a minimum of 50% of the perimeter frontage of the local park.

In this instance, part of proposed Lot 146 is identified as ‘future public reserve’. The area is considered to be satisfactorily sited and designed in accordance with the provisions of DCP No. 11.

15. This generally provides that acoustic fencing and landscaping is to be provided to the east of the new Coast Road. Any consent will be conditioned appropriately to

Reports from Director Development Services

ensure that any future development applications for proposed Lot 146 are accompanied by an appropriate acoustic and landscaping report to Council's satisfaction.

18. There will no direct vehicular access from the relocated Coast Road other than via approved intersections.

The proposal provides one access and is consistent with this provision, as discussed earlier.

- 23 & 24.

A water quality management and monitoring program has been submitted with the application and is considered to be satisfactory.

26. It will be a condition of any consent that all existing Bitou bush plants be removed and the disturbed areas shall be appropriately treated to prevent dust nuisance and soil erosion.

31. An acid sulfate soil management plan has been submitted to the general satisfaction of Council's Environment and Health Services Unit. Suitable conditions are applicable in this regard.

NSW Coastal Policy 1997

The DCP also takes into consideration the NSW Coastal Policy 1997. It is considered that the proposal is generally consistent with the relevant objectives of this Plan. The policy generally provides that development needs to take into consideration a number of objectives which attempt to protect the natural environment. The specific objectives of the policy which relate to this development are summarised as follows:-

- * Identify conservation values of land and aquatic environments;
- * Improve and maintain water quality;
- * Manage coastline and estuarine environments for public interest and ensure their vitality;
- * Impacts of natural processes of a high priority;
- * Design development to compliment surrounding development; and
- * Increase public access to foreshores.

All the above objectives have generally been discussed throughout this report and it is considered that the development is unlikely to create any significant adverse environmental impacts on the coastal environment.

DCP16 - Subdivision Manual

The proposal is generally consistent with the relevant provisions of this plan.

Reports from Director Development Services

DCP39 - Energy Smart Homes Policy

This DCP has been developed in response to the growing community desire to achieve greater efficiency from domestic use. It stems from a general concern about greenhouse gasses generated by energy use, their affect on the environment and in particular their contribution to global warming. The DCP shows how energy efficiency can be achieved in all new residential subdivisions and buildings, including alterations and additions to existing buildings. It includes design alternatives - such as passive solar design and solar water heating - that will dramatically reduce the demand for non-renewable energy, thus reducing both costs and air pollution and reducing the level of comfort in the average Australian home.

Section 4.0 of this Plan specifically relates to subdivisions and provides preferred outcomes for the following:-

- * Street orientation;
- * Lot orientation, size and shape;
- * Access;
- * Public transport;
- * Setbacks; and
- * Street lighting

A solar proficient subdivision will ensure that the overall development is significantly more energy efficient than a conventional subdivision.

1. Street orientation

- * Align streets east/west and north/south wherever possible
- * North/south streets should be within 20 degrees west and 30 degrees east of true north
- * East/west streets should be within 30 degrees south and 20 degrees north true east

In this regard the majority of streets proposed are either aligned north/south or east/west and are consistent with this outcome.

2. Lot orientation, size and shape

- * Lots should be orientated so that one axis is within 30 degrees east and 20 degrees west of the true solar north
- * North facing slopes improve opportunities for solar access, small lots are therefore best suited to north facing slopes with gradients of less than 15%

Reports from Director Development Services

- * South facing slopes impose a penalty on solar access, therefore, large lots/lowest densities are best suited to north to south facing slopes or other areas where solar access is poor
- * The north side of east/west aligned streets is suitable for narrow lots
- * Lots aligned on an east/west axis generally need to be wider than lots aligned on a north/south axis to prevent undue shadow effects on lots to the south
- * Where streets are within the acceptable orientation range, use rectangular shaped lots
- * Sloping sites are not suitable as flat sites for smaller lots

It is considered that all lots have at least one axis within 30 degrees east and 20 degrees west of the true solar north.

The land is relatively flat and following earthworks, it is considered that the topography of the land won't significantly change. Accordingly, the issue of north and south facing slopes is not significant in this instance.

All of the proposed lots are considered to be consistent with the relevant provisions of DCP No. 39, in so far as lot orientation, size and shape are concerned.

3. *Access*

- * Footpaths are designed to access public transport routes
- * Subdivision design includes, clearly marked bicycle network, marked kerbside bike lanes, dedicated cycleways, links to regional cycleways
- * Subdivision design should maximise the ability to travel directly between any given destination and origin

4. *Public Transport*

- * Subdivision design should allow for circuitous public transport routes that maximise the number of lots within a short walking distance to potential transport routes
- * Suitable areas for bus stops and lay back areas should be identified
- * Long cul-de-sacs should be avoided as these reduce accessibility to public transport

It is considered that the proposal is generally consistent with the access and public transport principles identified above.

5. *Setbacks*

Reports from Director Development Services

- * Variable setbacks and zero lot lines are the means of maximising solar opportunities, especially with small or narrow lots. Setbacks are manipulated to maximise solar access for all lots.
- * Preferred setback lines can be shown on subdivision plans to help builders, designers and home buyers make the best use of solar energy.

The Architectural Design Regulations (to be discussed later in this report) provide some variations to the front setbacks.

Section 94 Contribution Plans

Section 94 Contribution Plan No. 19 - Kings Beach/Kings Forest presents a strategy for the provision of structured and unstructured open space and community facilities. Those sections of the plan that specifically relate to this development are discussed as follows.

5.0 Expected Population

This plan indicates that the expected population of Kings Beach is 5600 persons, with 3000 permanent residents and 2600 tourists.

As discussed in Section (iii) titled Development Control Plans of this report, it is unlikely that the population yield will be achieved for this proposal. The DCP and Section 94 Plan will need to be amended to reflect this.

The occupancy rates and the population yield for Stage 5 (as proposed) are not consistent with those in the Section 94 Plan. It is possible that the proposal will satisfy the ultimate population yields upon completion of developments within the proposed lots.

7.0 Timing of Contributions

Credit

Approximately 5.5ha of active open space has been dedicated as part of the Stage 1 consent being management lots 9 and 10.

However, as discussed in 5.0 above the population yield identified in the table for management lot 4 has not been achieved by this application. Accordingly, this could have implications on the provision of the active open space credits within each of the management lots. Subsequently, the Section 94 Plan and the DCP for this site will need to be amended to reflect the current figures.

14.0 Open Space

Structured Open Space

The developer has dedicated a total of 5.5ha of structured open space at no cost to Council in conjunction with the Stage 1 consent. These being management lots 9 and 10. These lots are not within the land subject to this application.

Reports from Director Development Services

The amount of structured open space to be dedicated (5.5ha) has been calculated on the population yields provided by the DCP. Any variations to those yields, which is the case for this proposal, may have implications on the amount of structured open space to be provided. Accordingly, the DCP and Section 94 Plan will need amending to reflect this.

At the moment the population yield provided by the applicant are below those provided by the DCP. Accordingly, this proposal does not require any additional structured open space above the 5.5ha.

A monetary contribution would be required for the embellishment of the structured open space.

Passive Open Space

The developer has dedicated Lots 12, 13 and 14 as public open space in conjunction with the Stage 1 consent. These lots together with the proposed park and area identified as 'future public reserve' for this application are to be suitably embellished by the developer.

Public open space needs to be provided in accordance with the Section 94 Plan for the site. In respect of the casual open space, the Section 94 Plan requires that a minimum area be 2000m² and not be more than 250m from any residential dwelling and each parks perimeter should have at least 50% frontage to a public road. As discussed earlier it is considered that the development is generally consistent with this.

Again, as discussed above for the structured open space the estimated population yield for Lot 4 is unlikely to be achieved and subsequently this may have implications on the provisions of casual open space. However, the yield provided in the application is below those provided by the DCP and the proposal is unlikely to require any additional casual open space above that already provided or required by the Section 94 Plan.

15.0 Cycleways

The proposal is considered to be generally consistent with the Section 94 Plan. A suitable condition is to be applied in relation to the cycleway / walkway within the proposed 'future public reserve' areas.

Section 94 contributions are also applicable, with credits available in relation to works undertaken.

16.0 Community Facilities

Contributions will apply for the provisions of the following facilities:-

- * community centre/multi-use hall
- * youth facilities
- * library facilities
- * healthcare facilities

Reports from Director Development Services

* emergency facilities (surf lifesaving)

The works program in the Section 94 Plan indicates the appropriate threshold at which to provide the facilities. Special factors may arise requiring provision of a facility before the stage threshold is reached.

The community facilities are likely to be located within the town centres/commercial/retail areas for convenience.

(b) **The Likely Impacts of the Development**

Environmental Impacts

The proposal is unlikely to create any significant adverse environmental impacts on the locality.

To reduce any potential impacts the applicant has submitted a sedimentation and erosion control management plan to control and minimise the pollution caused by soil erosion on downstream waterways during the construction project. This plan is generally satisfactory.

The applicant has also submitted a water quality management and monitoring program. This plan is also considered to be satisfactory.

These plans and the acid sulfate soil management plan should ensure that the quality of the water at Cudgen Creek is not adversely impacted upon.

The development of the Kings Beach site will inevitably have some impact on the environment. What Council needs to consider is what is an acceptable impact given the history of the site. To reduce these impacts a number of management plans and reports have been prepared. The latter are considered to have helped achieve a subdivision design, which is likely to minimise the impact of the proposal on the environment from construction to completion. These reports and management plans will be incorporated into any consent, where appropriate.

A flora and fauna assessment report accompanied the application. The conclusion of the report prepared by Gunninah Environmental Consultants is as follows:-

“Stage 5 of the Casuarina Beach development project involves the clearing and development of 9.36ha of previously mined land within the Casuarina Beach Project site. Stage 5 is located between the re-aligned Old Bogangar Road and frontal dune on Kings (Bogangar) Beach, and is characterised by largely non-indigenous vegetation consisting of regrowth and mine rehabilitation communities.

Vegetation on the subject site is not of intrinsic conservation value or significance, and no threatened plant species are present on the site or would be likely to occur, other than as individual specimens (if at all). No “endangered ecological communities” are present on the Casuarina Beach Project site.

Reports from Director Development Services

For most of the threatened fauna species known to occur either on the subject site or in the general locality, the proposed development (both of Stage 5 and of the whole Casuarina Beach Project) is of little consequence or significance. The subject site does not support relevant or critical habitat or resources for most of the threatened fauna species known to occur in the vicinity, and there are extensive other areas of more suitable habitat and resources in the locality. Furthermore, most of the threatened fauna species recorded in the locality are likely to occur on the site only as individuals or vagrants, and none are regarded as likely to be dependent upon the resources habitat features present on the site.

One threatened fauna species (the Common Blossom Bat) does utilise the site to a moderate extent, for winter foraging (on the Coast Banksias present on the site). Whilst complete development of the subject site will involve the removal of most of the Coast Banksia resource present upon it, the loss of resources is not regarded as of critical or "significant" import because of the substantial supplementary planting program which has been undertaken, because of the extent of other suitable resources in the vicinity and locality, and because of the long-term retention of resources on the site (west of the Old Bogangar Road). Additionally, two portions of the development area (totalling 31.8ha or 27.7%) are to be 'deferred' to provide Coast Banksia foraging resources for this species in the short-term while the new plantings of Coast Banksia mature.

Similarly, notwithstanding the occasional presence of individuals of a number of other threatened fauna species on the subject site or adjacent to it (including Glossy Black Cockatoos, the Common Planigale, Great Knot, Osprey, Green Turtle, Black Flying Fox and sever microchiropteran bats) and the potential occurrence on occasions of a number of other threatened species on the site or its immediate vicinity (particularly estuarine, wading or pelagic birds), neither the area proposed for development activities nor other adjacent lands (including Kings Beach), provide 'significant' resources for any such species.

Consequently, whilst individuals of some threatened species may potentially be disturbed as a result of the development and occupation of the subject site, and increased human activities within Cudgen Creek and along Kings (Bogangar) Beach, it is not "likely" that "a significant effect" would be imposed upon any such species "or their habitats" as a result of the Casuarina Beach Project.

In the absence of any evidence or assessment that the proposed Casuarina Beach Project is "likely" to impose "a significant effect" on any "threatened species, populations or ecological communities, or their habitats", there is no requirement for the preparation of a Species Impact Statement for Stage 5 of the Casuarina Beach Project, or for the project in toto.

Impact amelioration and environmental management measures (including dedication of 52ha of land on the western (Cudgen Creek) side of the subject site, protection and management of the frontal dune and dune vegetation east of the site, and an array of measures to protect the natural environment and to provide supplementary resources for native fauna within the development) are

Reports from Director Development Services

incorporated into the Casuarina Beach Project, thus limiting the potential for significant adverse impacts to be imposed upon the natural environment”.

Comment

Section 78(8)(b) of the Environmental Planning & Assessment Act, 1979 is as follows:-

“78(8) A development application must be accompanied by:

- (b) *if the application is in respect of development on land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations, or ecological communities, or their habitats - a species impact statement prepared in accordance with Division 2 of Part 6 of the Threatened Species Conservation Act 1995”.*

The Species Impact Statement accompanying the development application S96/135 for Stage 1 applied to the whole of the Kings Beach site. Subsequently, advice was sought from the NPWS and Council’s Solicitors as to whether or not the Stage 2 development application and subsequent applications (including the subject application) will need to be accompanied by a Species Impact Statement.

Council’s Solicitors advised that Council may well have already complied with the Environmental Planning & Assessment Act, 1979 in that a SIS has already been provided for the whole site and has been assessed by the Council in great detail. Accordingly, a further study would not be required.

The NPWS have advised that any decision regarding the significance of impacts in subsequent stages on threatened species, and hence any decision to request an SIS, must be made by the consent authority.

Section 5A of the Environmental Planning & Assessment Act, 1979 provides 8 factors which must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The Flora and Fauna report provides this Section 5A assessment and concludes that the development is not likely to have a significant effect on threatened species, populations or ecological communities, or their habitats.

Taking into consideration the advice from Council’s Solicitors, the Section 5A assessment submitted on 22 June 2000 and comments received from NPWS dated 1 August 2000, it is considered that the development is unlikely to have a significant effect on threatened species, populations, or ecological communities, or their habitats and an SIS is not required.

Effect on Landscape/Scenic Quality of the Locality

A proposal of this scale and in this location will undoubtedly have an effect on the landscape and scenic quality of the locality by transforming the coastal landscape into an urban one. This affect is accepted due to the history and zonings of the site and the commitment given by the LEP amendment and the DCP for residential development in

Reports from Director Development Services

this location. The more scenic areas in the land (adjacent to Coastal Reserve) are protected by the 7(f) Environmental Protection (Coastal Lands) zone. No works are proposed within the 7(f) Zone.

The applicant has submitted a typical streetscape concept, which is considered very satisfactory.

Buffering and landscaping where appropriate will reduce the visual impacts.

The development will be consistent with the general character of new residential estates.

Access, Transport and Traffic

Council's Engineering Services Division, Subdivision Engineer and the Local Traffic Advisory Committee have reviewed issues in relation to traffic, access and road layout.

The following comments are offered by Council's Subdivision Engineer in relation to access, traffic and transport issues:-

“Generally the road layout and pavement widths shall be in accordance with figures E307 & E320 with the exception of the following unresolved matters;

- *Road No. 7 shall be connected to Road No. 2*

In relation to the provision of concrete footpaths it appears that the application does not satisfactorily address this issue. Figures E307 and E320 do not indicate the location of any proposed concrete footpaths. A condition will be required on the development consent that clearly identifies which roads require concrete footpaths.

The construction of roundabouts in accordance with Austroads part 6 – Roundabouts will be required at the following intersections:

- *Road 7 and Road 2(outside circulating diameter to be 28.0m)”*

The Local Traffic Committee and Council's Traffic & Transport Engineer have undertaken an assessment of the proposal. No recommendations were made in this regard, with the exception of appropriate conditions, which have been incorporated into this report.

Character, Location, Siting, Design and External Appearance, Size and Shape of the Land etc

This development although similar in character to other residential estates, is a unique development on the Tweed given its close proximity to the Coast. Subsequently, the proposal has attempted to optimise its proximity to the Coast creating a unique estate.

Nevertheless, a number of design issues have been identified, including the location of infiltration basins and drainage reserves in open space areas, traffic/road issues and

Reports from Director Development Services

interface treatment with the adjacent unformed crown road reserve and Seaside City to the north.

In view of the detailed controls proposed in the Architectural Design Regulations (ie. setbacks, site coverage, building envelope) that are to be enforced by the Architectural Review Committee and the additional information supplied, as discussed above, it is considered that dwellings can be satisfactorily accommodated on the proposed allotments.

Accordingly, any dwelling to be erected will need to comply with the Architectural Design Regulations and relevant Council requirements.

Architectural Design Regulations

In order to ensure the unique nature of the development, the applicants have prepared *Architectural Design Regulations* (ADR) applicable to the site. These ADR's are intended to encourage the design of the houses to reflect particular informal character, openness and individuality appropriate to the beach community.

The ADR provide that all building works, (including external construction, alterations, additions, repairs, including painting and repainting, construction and alterations to any fence, retaining walls, exterior lighting, driveways and landscape and tree planting) will need to comply with the ADR and will also require approval from an Architectural Review Committee (ARC). The ARC will include those persons appointed by the applicant, and will more than likely consist of architects etc. Approval from the ARC for any building works must be obtained before applying to Council for approval. The ADR also proposes that Council will be party to assist in enforcing the ADR.

Council's Building Unit has reviewed the proposed ADR's and concluded that the proposed ADR's should not be included in any legal document to be administered by Council. Accordingly, it is considered that Council should not be party to the enforcement of these complex design regulations, and Council should only process new dwelling development applications and construction certificate applications that have been endorsed by the ARC. In addition, any endorsement or approval by ARC is not to act as a substitute for or guarantee development approval from Tweed Shire Council.

Subdivision Engineer Comments

“1.0. Introduction

The proposal is to develop management lot 4 as follows:

Stage 5 - 42 residential lots, 4 residue lots, 2 public reserves

2.0. Earthworks

The applicants have advised that the bulk earthwork balance quantity required for stages 4 and 5 is approximately 207,000m³. No division of the earthworks has been provided for stage 4 or 5. Level 1 testing and supervision under AS 3798 – 1996 will be required for the earthworks program.

Reports from Director Development Services

Figures E308 and E309 show the longitudinal sections for roads 2, 6 and 7 respectively.

Road 2 is in 2.1m of cut at the southern end of the site and 3.4m of cut at the northern end of the site. Road 6 is in 3.6m of cut at the eastern end and 5.5m of cut at the western end.

Figure E322 shows the finished surface levels for the bulk earthworks. The batter slopes shown at the boundary of the stage appear to be unsatisfactory and may cause drainage and level difference problems with the adjoining stages. The way in which these batters are transitioned into the adjoining lots and the timing of the bulk earthworks on these adjoining lots will dictate the extent of problems that occur. The applicants advise that it is proposed to develop this site in conjunction with adjacent sites.

The applicants provide no explanation as what happens beyond the extent of stage 5 in relation to transitions for road grading and drainage discharge. It is our understanding that the applicants do not propose to address these concerns and consequently conditions are recommended to address this issue.

Given the general site soil characteristics it is considered that geotechnical constraints should be minimal and therefore not an impediment to the development of the land.

3.0. Sedimentation and Erosion Control

No detailed sedimentation and erosion control management plan specific to this stage could be found in the submission. The applicants have provided figure E323 "Soil and Water Management Plan. Unfortunately this figure does not address key issues relevant to sound water quality management for this site.

Given the site conditions such as topography and soil type it is considered that a sedimentation and erosion control plan prepared in accordance with the "Tweed Urban Stormwater Quality Management Plan" should ensure satisfactory water quality for the development.

4.0. Water Quality

The applicants advise that they will implement the following control measures:

- Temporary sedimentation traps to be installed during construction and revegetation phases.*
- Small scale sediment traps and/or trash racks to be installed on stormwater outlets.*
- Water quality infiltration basins will be further created along the northern perimeter of the site between the stormwater outlets and Cudgen Creek*

Reports from Director Development Services

- *Installation and maintenance of temporary erosion control devices to minimise the removal of fines and sediments from the disturbed site.*
- *On site infiltration pits for roof stormwater disposal.*

Figure E323 “Soil and water management plan” requires further detail before it is considered to be satisfactory. Figure E321 identifies the locations for the infiltration ponds, which are designed to remove sediments and nutrients prior to discharge to Cudgen Creek. The locations of these ponds were approved under stage 4 (figure E121).

The installation of the above measures and the construction of the infiltration ponds will have a positive effect on the quality of the water discharged to Cudgen Creek. However the applicant should be requested to submit a detailed “soil and water management plan” which clearly identifies where these measures are to be installed, who is responsible for the installation, what happens if they fail, who determines if they fail etc.

5.0. Drainage

The applicants advise that all street drainage from stage 5 will be collected and conveyed by an underground drainage system and then discharged into the public reserve adjacent to lot 139 via a 900dia stormwater pipe. The flow then traverses across the public reserve and eventually discharges to controlled outlet No. 11. The location of this open drain should be located within the public reserve so that it does not compromise the primary recreational function of the land. Alternatively, Council could request the applicant to pipe Q100 flow through the public reserve and across the southern end of management lot 10 to discharge to the Coast Road table drain.

Notwithstanding the above matter it is considered that there are no drainage issues associated with stage 5 that cannot be adequately addressed by conditions of consent.

6.0. Water Supply

Figure E318 shows the recently constructed 450mm diameter and 250mm diameter water mains constructed under the stage 1 development consent. The 450mm trunk water main constructed along Old Bogangar Road will provide adequate supply for the stage 5 development.

The abandoned 250dia. water main, which traverses stage 5 must be removed during the construction program and certainly prior to the issue of the Subdivision Certificate.

The internal reticulation for stage 5 has been shown on Figure E319 and is considered satisfactory subject to the applicants submitting a detailed demand analysis for the proposed system, which clearly shows that peak demand and fire fighting requirements are satisfied.

Reports from Director Development Services

7.0. Sewer

The Applicants advise that the site can be serviced by a vacuum and rising main sewerage reticulation system. They also advise that Council has agreed to the Vacuum Sewerage System in principal. This statement is true, however the applicants have been requested by Tweed Shire to provide a Sewerage Management Plan for the vacuum system, which addresses the whole of life cost implications for the vacuum system.

To date this management plan has not been submitted to Council. Furthermore, the applicants for stage 1 have disregarded the vacuum system and chosen to bond uncompleted works for a conventional sewerage system.

To facilitate the determination of the stage 5 development consent a condition similar to that included in the stage 2, 3 & 4 consents could be incorporated in the consent conditions.

8.0. Conclusion

Generally the proposal for stage 5 is satisfactory subject to the resolution of several matters as listed below:

- 1. Connection of Road No. 7 to Road No. 2*
- 2. The construction of a roundabout at the intersection of Road No. 7 and Road No. 2.*
- 3. Location of the open drain, which traverses the public reserve behind lots 135 to 143 so that the usage of the open space is not compromised. Alternatively the discharge could be piped.*

Appropriate conditions are applicable in relation to the abovementioned issues.”

Engineering Services Division Comments

Infrastructure Engineer Comments

Council's Infrastructure Engineer has undertaken a detailed assessment of the proposal in relation to landform, stormwater and erosion and sediment control. This assessment is summarised as follows:

“1.0. Drainage Comments.

General Land Form and Drainage

Figure E306 shows the proposed final landform for all of the subject land.

The land is now characterised by a central north/south ridge that follows the line of the now abandoned section of Coast Road, with land sloping to the east and west of this ridge. It is proposed to alter this landform by shifting the ridgeline to the east. The new ridgeline is near the boundary of stage 4 and

Reports from Director Development Services

stage 5; as a consequence most of the stage 5 land slopes to the west and consequently drains to the west.

Drainage is to be collected in internal subdivision roads by conventional underground drainage. West flowing drainage is proposed to discharge onto swale drains in a north/south oriented open space area, with the bulk of runoff discharging to the north and onto proposed active open space management lot 10 and thence to controlled outlet No. 11. A minor portion of the runoff is directed south in a drainage swale in the north/south oriented open space area discharging to drainage works proposed in stage 4 and thence to controlled outlet No. 7.

2.0. Site Drainage

Background

This application includes a report from Cardno MBK "Kings Beach Development - Proposed Stormwater Treatment & Disposal Incorporating The Alternative System" this report in general terms proposed (section 2.2)

- *Infiltration of roof runoff*
- *Discharge of road drainage through catch basins*
- *Further treatment of road runoff by grass swales*
- *Final treatment by infiltration basins*

Since the submission of the application there have been many meetings between the developers representatives and Council officers regarding drainage and water quality issues. Many amendments to the original plans have been submitted and at the time of writing this report still further reports on hydraulic analysis and infiltration basin sizing/location/design are awaited from the applicant's consultants (Cardno MBK). Cardno MBK letter 21/2/200 contained Attachment B "Water Quality Management and Monitoring Program" containing proposals for water quality management in the operational phase, water quality objectives, sampling and monitoring program, erosion and sediment control plan. For the operational phase it proposed a treatment train consisting of:

- *Disposal of roof water drainage by on-site infiltration for individual properties*
- *Collection of sediment and gross pollutants via catch pits*
- *Installation of Humeceptors at locations where oils and greases may be generated*
- *Transport of stormwater runoff by grassed swales and vegetated strips*
- *Screening of outlets to infiltration basins to capture gross pollutants*

Reports from Director Development Services

- *Disposal of 3 month ARI stormwater flows by infiltration in specifically designed basins*

Conditions will be recommended to incorporate the above stormwater quality management principles and the provisions of Council's 'Stormwater Quality Management Plan'.

Lawful Point of Discharge

The proposed points of discharge are Controlled Outlet 11 and controlled outlet No. 7. These proposed points of discharge are satisfactory and were anticipated in the Stage 1 approval. Stormwater passing through Outlets 7 & 11 will discharge by overland sheet flow across passive open space lot 8 to Cudgen Creek.

3.0 Proposed Drainage System

Drainage Layout

It is understood that roof water from dwellings will be infiltrated on each individual allotment, which will reduce the volume of stormwater runoff to the public drainage system. The proposed subdivision lots front roads Nos. 2, 6, 7, 8 and 9. These roads are provided with conventional underground drainage.

North Flowing Catchment to Controlled Outlet No. 11

All the street drainage from stage 5 is to be collected and conveyed by underground pipe passing through a proposed park south of proposed lot 139 to a discharge onto swale drains in proposed north/south oriented public reserve. Runoff is to travel by surface flow northwards in this reserve to proposed active open space stage 1 management lot 10. The application indicates the stage 5 runoff is to traverse management lot 10 and discharge to controlled outlet No. 11. The proposal to traverse drainage from stage 5 through proposed active open space management lot 10 may compromise the prime land use objectives of this land. If it were proposed to use open swale drainage in this location it would consume land that may be required for sporting and other ancillary purposes. The optimum solution may be to pipe Q100 runoff from the north end of the proposed public reserve, across the southern end of management lot 10 to discharge into the Coast Road table drain and then to controlled outlet 11. Alternately runoff could flow via swale drainage through an easement in residue lot 146 to the Coast Road table drain.

The proposed finished surface levels of the park adjacent to lot 139 are at variance with the pipeline conveying stage 5 runoff to the public reserve at the rear (west). The finished surface level of the reserve is indicated as around RL 4, which would control the exit invert level of the pipeline, indicated to be 900mm diameter in fig E311. The proposed finished surface levels at the rear of the park in fig E306 are indicated to be RL 4.5, which would not cover the pipeline. The finished surface levels in the park will require revision to provide adequate cover.

Reports from Director Development Services

South Flowing Catchment to Controlled Outlet No. 7.

Part of the runoff from the southern 25m of road 2 is directed to underground drainage proposed in stage 4, which ultimately drains to controlled outlet No. 7. Surface runoff from proposed lots 140 - 143 will discharge to swale drains in proposed north/south oriented public reserve at the rear (west) of these lots. This runoff will travel south to road No. 1 of stage 4 and provided levels permit, will be captured by the underground drainage system in this road and discharge to controlled outlet No. 7.

It will be necessary for stage 4 road no. 1 drainage to be extended to the north/south oriented public reserve at the rear (west) of these lots to pick up surface runoff, or alternately if levels permit runoff from this area may be able to flow onto road No. 1 gutters and be captured by the underground drainage system in that road.

Drainage from residue lot 146

Drainage details are not submitted with this application. Drainage could go to the adjacent Coast Rd table drain to either Outlet 7 or 11 or runoff could be directed to the north/south oriented public reserve at the west of this lot and proceed via drainage to either outlet 7 or 11.

Drainage System Capacity

There are no site-specific issues within stage 5 that would constrain the adequate sizing of drainage elements. If runoff from stage 5 is discharged onto the Coast Road table drain, it would be necessary to ensure that it has sufficient capacity. It appears from looking at the cross sections of the road with the ultimate four- (4) lane road constructed that there will still be sufficient room to accommodate stage 5 runoff. It will be necessary to construct the table drain to this capacity as part of this application to ensure that future proposals do not alienate the required space in the road reserve.

4.0. Infiltration

Purpose of Infiltration

Infiltration fulfils two purposes. Firstly it reduces the volume of stormwater runoff, enabling a reduction in the size of downstream drains. Secondly it improves stormwater quality by removing some water born pollutants. For water quality treatment, infiltration is usually designed to capture the runoff from up to a 3-month ARI storm ($Q_{0.25}$), which will capture over 90% of annual runoff.

Dual Use Issues

The applicant's consultant - Cardno MBK has submitted "Consolidated Properties Pty Ltd, Casuarina Beach, Infiltration Basin Analysis, March 2000" to supplement information submitted with the application. This analysis

Reports from Director Development Services

proposes location of infiltration basins in public open space associated with the coastal walkway/cycleway and other designated open space areas and goes on to say "Council officers have indicated that these layouts are satisfactory, ". It would appear however from comments made at a meeting held 28 March 2000 between Lenen Pty Ltd, Consolidated Properties and Council representatives that this issue is not settled. There is a possibility that proposed drainage infiltration basins may not be compatible with the open space/walkway-cycleway uses on the coastal frontage and may also not be compatible with open space uses.

At some meetings it has been suggested that the infiltration basins could be turfed and on other occasions that the basins should only be vegetated with sparse coastal tussocky grasses, with significant areas of bare sand. From an infiltration perspective the latter would be acceptable, however, a turfed surface would be unacceptable due to an inherent loss of surface permeability.

A meeting with the Manager Recreational Services 13 April 2000 explored dual use (drainage/open space) issues. MRS indicated that slopes in excess of 5% which would be required to define channels and create workable drainage invert levels would be incompatible with open space objectives. For the purpose of this report a condition can be drafted requiring a certain area (sq m) of infiltration basin for each catchment, together with criteria for the basins design and management. Other units will need to determine compatibility with other proposed uses.

5.0. Infiltration Basin Sizing

Permeability

The applicant's infiltration analysis contains percolation tests in accordance with Appendix B of AS 1547, Disposal Systems for Effluent from Domestic Premises which have measured permeability's ranging from 44 to 57 metres per day. For design and sizing of infiltration basin purposes they have adopted 24m/day. There is no current Australian Standard for design of stormwater infiltration systems. In the absence of such a standard the applicant has used the sewerage effluent standard AS 1547 to derive permeability rates. This standard gives 1.2 - 6 m/day as typical values of permeability in sand, which are considerably less than the rates measured and proposed for design and sizing of infiltration basins by the applicant. The standard modifies raw permeability rates by a "Long Term Acceptance Rate" table (resulting in a reduction factor of up to 100 times) for sizing absorption areas. The applicant does not propose any such reduction in their raw permeability rates to allow for long-term reduction in permeability due to clogging and other factors.

A condition is proposed to reduce raw permeability rates to lower values that are more acceptable for design of long-term infiltration areas.

Reports from Director Development Services

Location and Sizing of Ponds

The specific size and location of infiltration ponds is not indicated in the application, however, conditions can specify criteria for sizing the total basin size for each catchment. For the purpose of this report a condition can be drafted requiring a certain area of infiltration basin for each catchment, together with criteria for the basins design and management. Other units will need to determine compatibility with other proposed uses.

6.0 .Stormwater Quality

Erosion and Sediment Control

The ESCP submitted with the DA and the final proposal for ESCP contained in part 5 of Cardno MBK "Water Quality Management and Monitoring Program" (1/2/200) are insufficiently detailed to serve as the basis of conditions of consent for this activity. Council's recently adopted Urban Stormwater Quality Management Plan (prepared in accordance with a Direction EPA under Section 12 of the Protection of the Environment Administration Act, 1991) requires stormwater objectives during the construction phase of new development to comply with "Tweed Shire Council, Aus-Spec D7 - Stormwater Quality, and Annexure A - Code of Practice for Soil and Water Management on Construction Works". Proposed conditions of consent will incorporate these requirements.

Permanent Stormwater Quality Controls

The final proposal is contained in Cardno MBK letter 21/2/2000 Attachment B "Water Quality Management and Monitoring Program", for the operational phase it proposed a treatment train consisting of:

- *Disposal of roof water drainage by on-site infiltration for individual properties*
- *Collection of sediment and gross pollutants via catch pits*
- *Installation of Humeceptors at locations where oils and greases may be generated*
- *Transport of stormwater runoff by grassed swales and vegetated strips*
- *Screening of outlets to infiltration basins to capture gross pollutants*
- *Disposal of 3 month ARI stormwater flows by infiltration in specifically designed basins*

Whilst no water quality modelling accompanies this application, the treatment train proposed is similar to that proposed in the North Kings Beach (Sahben) site and would yield similar results.

Reports from Director Development Services

Council's Stormwater Management Plan, adopted 19 April 2000, proposes the following stormwater quality objectives for new urban development:

Pollutant			
<i>Nutrients</i>	<i>Maximum permissible load that may be discharged kg/ha/year</i>		
	<i>Average year (1719mm)</i>	<i>Wet Year (2185mm)</i>	<i>Dry Year (929mm)</i>
<i>Suspended solids (SS)</i>	300	400	120
<i>Total Phosphorus (TP)</i>	0.8	1.1	0.35
<i>Total Nitrogen (TN)</i>	4.5	6	1.5
<i>Litter</i>	<i>Retention 70% of annual litter load greater than 5mm</i>		
<i>Coarse sediment</i>	<i>Retention of 90% of annual load of sediment coarser than 0.125 mm</i>		
<i>Oil and grease (hydrocarbons)</i>	<i><10 mg/litre in flows up to 40% of Q1 peak.</i>		

The proposed stormwater treatment train, as modified by proposed consent conditions, should yield results that generally achieve this standard.

7.0. Conclusion

Issues regarding stormwater quality, infiltration, erosion and sediment control can be addressed by consent conditions. The application has not fully addressed the issue of downstream drainage location after discharge from this stage. The proposal to flow through proposed active open space management lot 10 is probable not acceptable and the alternate of utilising the Coast Road table drain is likely to be more acceptable. The size and location of infiltration basins for the catchments of controlled outlet No. 7 and No. 11 must be resolved prior to the approval of any construction certificates for any stages (including this stage 5) draining to these outlets.

As in past stages, dual use issues for land to be used for both drainage and open space remain unresolved at this stage. If the landform resulting from drainage constraints renders designated open space land unsuitable for that purpose, then drainage may need to be undergrounded or relocated onto other land. Relocation of drainage or water quality devices onto other land will require the dedication of additional land and a consequent revision of the subdivision/lot layout to provide this additional land.

Appropriate conditions are applicable in relation to the abovementioned issues.

Reports from Director Development Services

Environment and Community Services Division Comments

Council's Environment and Health Services Unit raise no objections to the proposal. The submitted acid sulfate soil management plan, water quality monitoring and management plan and the sedimentation and erosion control plan are all considered satisfactory, subject to the imposition of relevant conditions.

Council's Building Services Unit raises no objections to the proposal. However, as discussed in Section (b) of this report the Building Unit have assessed the architectural design regulations and have identified a number of issues and have recommended that Council should not be party to the ADR.

Landscaping

Street trees will be provided or contributions obtained.

The proposal incorporates the removal of a substantial amount of vegetation, which in part has been accepted due to the zoning of the land and the provisions of the DCP, which is relevant to the site.

The landscape master plan for Stage 5 provides for extensive landscaping over the site. Landscaping is primarily provided along the streets, roads and within the open space. The principle goal of the landscape works is to provide the Kings Beach community with a safe, secure environmentally sustainable landscape, which facilitates a broad range of private and community based recreational activities.

The landscaping shall improve the amenity of the site and should also ensure that the maintenance of those areas is minimised. It is considered that landscaping this site should be undertaken in accordance with the landscape master plan for Stage 5 and the details provided with the application.

Natural Hazards

No known natural hazards are likely to affect the site other than coastal processes. It is however, considered prudent to impose a condition requiring all allotments to be consistent with Council's Adopted Design Flood Level.

Social/Economic Effect

As discussed in Section (a)(i) of this report, the TLEP 2000 requires that social impact assessment be provided for developments that may have a significant social or economic impacted. It is considered that this assessment is not necessary.

The proposal will provide additional dwelling lots to cater for some of the growth along the Tweed Coast. The proposal will increase demands for services and facilities some of which will be catered for on the site when various stages of the Kings Beach development are released. There will be an increased maintenance burden for Council for the additional structured and casual open space. However, this open space is required to meet the need of the future population.

Reports from Director Development Services

The proposal will provide employment opportunities both during the construction and post construction phases. This is considered likely improve the economy of the locality and the Tweed with potential spin off effects.

In addition, the Kings Beach development will also provide additional rate revenues for the Tweed Shire Council.

(c) The Suitability of the Site for the Development

As discussed throughout section (b) of this report it is generally considered and accepted that the site is suitable for development, subject to minor issues as identified in this report. The site has a long history and has a commitment given by the LEP amendment and DCP for residential development in this location.

It is concluded that the proposal, as recommended in this report, is satisfactory and a suitable response to the characteristics of the subject site.

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

Public Submissions

The application was not statutorily required to be advertised.

Public Authority Submissions

See consultation section of this report.

(e) The Public Interest

A number of State Government Planning Policies (SEPPs) and other planning guidelines (LEPs and DCPs) have relevance to this application. All these policies and plans have been discussed in Section (a) of this report.

It is considered unlikely that the proposed development will compromise the public interest.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination of the application, the applicant has a right to lodge an appeal in the Land & Environment Court.

OPTIONS

Council can either:-

1. Approve the application subject to conditions modified or as recommended.
2. Refuse the application.

CONCLUSION

This report concludes that all issues have been satisfactorily resolved or can be addressed by appropriate conditions.

Reports from Director Development Services

This is a very significant development for Tweed Shire and, indeed, in the State. Although the subject application incorporates only 45 allotments, overall, the development of the Kings Beach site is of a significant scale and nature and has the potential to provide for a focal point of development for not only the Tweed area, but also the wider region.

Those areas of concern identified throughout this report are considered able to be satisfactorily addressed by the imposition of relevant conditions.

Reports from Director Corporate Services

12. ORIGIN: Administration Services Unit

FILE REF: Donations

REPORT TITLE:

First Round Donations - 2000/01

SUMMARY OF REPORT:

In accordance with Council's Donations Policy an amount of \$8,986.50 is available for distribution to various organisations.

A number of applications have been received for the first round of donations and are now submitted for Council's consideration.

RECOMMENDATION:

That Council determines the applications for donations submitted by various organisations, as in accordance with the adopted Policy, and the funds voted in the 2000/01 years budget.

Reports from Director Corporate Services

REPORT:

Council, at its meeting held on 17 March 1999, adopted the Donations Policy. As a result of the Policy, the first round of applications for 2000/01 have been received and are now documented for Council's consideration.

The 2000/01 budget allocation for donations is \$11,982.00, 75% being \$8,986.50 is now available for distribution.

Classification	Applicant	Donation Requested	Purpose
1. Sport	Tweed District Tennis Association	Not stated	21 st Annual Tweed Valley Junior Championship.
2. Business	Twin Towns Services Club	\$3,000.00	Sponsorship of 2000 Tourism NSW Conference
3. School	Murwillumbah South Infants Primary School	\$750.00	Funds for soft fall and shade cover in playground.
4. Community	Tyalgum News – a free community publication	\$354.00	Increase distribution by 50 copies for 12 months. Delivered by Australia Post to 50 homes from Chillingham to Numinbah.
4. Community	Murwillumbah Scout Group	\$260.00	Install security sensor light on each corner of building to act as deterrent against drug users utilising perimeter of Scout hall as an injecting area.
5. Sport	Tyalgum Riding Club	\$1,100.00	Establishment of a regular and safe riding ground at Brays Creek Park Trust area.
6. Community	Tweed River Historical Society	\$850.00	1. A plaque for Steam Engine, which has been restored after 3 years work. 2. A wooden cabinet for vintage photos.
7. Community	Tweed Cultural & Performing Arts Society Inc.	\$2,000.00	1. Hand held microphone. 2. Purchase better technology for visual arts presentations.
8. Pre-School	Pippies Early Childhood Centre	\$1,842.50	Purchase infants equipment.

Reports from Director Corporate Services

9. Community	Twin Towns Family History Group Inc.	\$3,000.00	1. Purchase St Catherine's records (UK) for 10 years 2. Metal storage cabinet.
10. Community	Lower Tweed River Historical Society Inc.	\$1,900.00	To preserve the Peter Winter series of articles "Look Back" as published in the Daily News 1983 to 1999.
11. Community	Tweed Combined Country Halls Association	\$1,000.00	Purchase medals and sashes for the winners of the various categories in the Miss Tweed Country Ball series.
12. Community	U3A Tweed Coast Inc.	\$200.00	1. Creative writing competition for senior citizen writers. 2. Help finance free concert for residents of nursing homes during Senior Citizens Week.
13. Sport	Gold Coast Tweed District Ladies Bowling Association Inc.	\$500.00	To sponsor the Ladies Winter Bowls Carnival – 22 July 2001.
14. Community	Tweed Christian Life Centre	\$5,000.00	Staging & lighting costs for 'Christmas on the Harbour'.
15. Community	Murwillumbah Uniting Church Art & Craft Exhibition	\$250.00	To assist with expenses involved in the organisation of 4 th Art & Craft Exhibition.
16. Community	Kids in Need Association	\$1,250.00	To assist with operation costs for the Kids in Need Annual Dragon Boat Race Day.
17. Community	Murwillumbah Community Support Centre Inc.	\$600.00	To supply 3 flagpoles to hoist on a daily basis the Australian, Aboriginal and Torres Strait Island flags. The Hon. Larry Anthony, MP, has provided the flags.
18. Community	Murwillumbah Chamber of Commerce – Christmas Promotions	\$2,500.00	"Christmas in Murwillumbah" – a small group of business people are working together on decorating the town for Christmas.

Reports from Director Corporate Services

The total amount of donations requested, as stated, total \$26,356.50.

APPLICATION CRITERIA

- No financial assistance will be given to privately owned businesses/companies.
 - Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
 - No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
 - No financial assistance will be given to sporting organisations as these organisations have ample other avenues for financial assistance.
 - The funds are not to be used for a social activity for members of the organisation exclusively.
-

Reports from Director Corporate Services

13. ORIGIN: Administration Services Unit

FILE REF: Councillors - Conferences

REPORT TITLE:

Best Value Workshop, Ballina - 30 August 2000

SUMMARY OF REPORT:

A facsimile has been received from the Local Government & Shires Association advising Council of a Best Value Workshop to be held in Ballina on Wednesday, 30 August 2000.

Councillor Marshall has expressed an interest in attending this workshop.

RECOMMENDATION:

That Council authorises Councillor Marshall to attend the Best Value Workshop to be held in Ballina on Wednesday, 30 August 2000.

Reports from Director Corporate Services

REPORT:

A facsimile has been received from the Local Government & Shires Association advising Council of a Best Value Workshop to be held in Ballina on Wednesday, 30 August 2000.

Councillor Marshall has expressed an interest in attending this workshop.

WORKSHOP THEMES INCLUDE:

- What is 'Best Value'?
- 'Best Value' in the context of Public Sector Reform
- Specifying outcomes and outputs
- Is 'Best Value' a new paradigm or a mere extension of the Quality revolution?
- National Competition Policy (NCP) contrasted with Compulsory Competitive Tendering (CCT)
- 'Best Value' in the UK compared to services delivered in NSW
- Best Value Performance Plans
- Best Value Service Reviews
- Best Value Performance Indicators
- Best Value Performance Reviews

THE PRESENTER

Dr Randal Stewart BA (Hons) Dip Ed PhD, School of Economics and Political Science, University of Sydney. Randal developed and presented the Benchmarking series for the Associations.

GENERAL

The duration of the workshop is one day and the cost is \$275 inclusive of GST.

Reports from Director Corporate Services

14. ORIGIN: Administration Services Unit

FILE REF: Filming in the Shire

REPORT TITLE:

Draft Film Locations Guidelines Policy

SUMMARY OF REPORT:

Council, at its meeting held 7 June 2000, resolved to place the Draft Film Locations Guidelines Policy on exhibition for 28 days. During this display period, two (2) responses were received. These are presented in the following report text.

RECOMMENDATION:

That Council adopts the following draft Film Locations Guidelines Policy and reviews it when the Local Government Filming Bill is enacted:-

Background

Tweed Shire Council welcomes the use of areas under its control for film production shoots. It is important though that production companies understand Council has the care, control and management of these areas. This means Councils' primary duty is to ensure the maintenance of residents' amenity. It is also necessary to ensure public safety and free movement while film shoots are taking place. Bearing these principles in mind this set of guidelines have been developed to assist both film companies and local people when film shoots are to be undertaken.

Applications (Project Plan)

Applicants will need to outline in their application (Project Plan) measures to be taken to ensure safety and minimise disruption at and around the location, with the following details:-

Notification

All residents and businesses within the vicinity are to be notified in writing by the applicant at least five days before filming begins. The notification must include the name of a contact person on site to handle complaints, and details of the filming including whether firearms, aircraft, stunts or explosives are to be used. The start time for set up and hours during which filming takes place will also be specified. The applicant will need to prove to Council's satisfaction that this notification process has been satisfactorily undertaken. Council may require extended notification time if the location shoot is considered extensive.

Traffic Control

A detailed outline will need to be provided of the number and size of the production vehicles, parking, any use of heavy equipment. If the filming is to be conducted on a Council road specific details of filming times and duration of any hold and release, use of authorised traffic control officers, ensuring at least 10 days advanced warning of changed traffic conditions signs are used and that the local police have been notified of the proposed temporary road closures.

Reports from Director Corporate Services

Security

Details of how security is to be conducted on the film location and identification of measures which will be employed to maintain public order and crowd control. Where a film crew's activities will obstruct vehicle or pedestrian traffic details must be provided in the application. Details of the safe management of the site must be provided.

Aircraft

If any aircraft (including helicopters) are to be used and any requirements specified by the Civil Aviation Safety Authority (CASA).

Dangerous Materials

Details of storage and use of any dangerous material (defined by Dangerous Goods Act 1975 (NSW)) on the film location. If any pyrotechnics, explosives or flammable materials are to be used and details of the time, method of use and the details of the suitably qualified person to conduct such events.

Night Shoots

If any filming is to be carried out at night, provide details of special efforts which will be made to prevent any excessive noise or lighting which may interfere with nearby residents' amenity.

Notification of Emergency Services

An application for film location will need to contact the local emergency services of the film location details especially, traffic control, use of aircraft, use of dangerous materials and night shoots.

Details of Shoots

Details of shoot locations and times will need to be provided including a map of the area. All activity associated with the film production shoot must be undertaken in compliance with the Noise Control Act. Any lights must be directed away from any roads, motorists, or residences.

Construction

Any building work associated with the film shoot is to be advised in the application and may be subject to Council's development application processes depending on size, scale and longevity.

Public Liability

With the application the production company will need to provide a certificate of currency of their public liability insurance with a minimum of \$10 million insurance. The name of the company, details of the policy, and its expiry date must also be provided.

Safety

The applicant will ensure that all conditions required under its insurance policy are met and that the site complies with Occupational Health and Safety Act 1983 (NSW), Construction

Reports from Director Corporate Services

Safety Act 1912 (NSW) and Dangerous Goods Act 1975 (NSW) including all relevant regulations, codes of practice and Australian Standards associated with these acts.

Compliance with Approval Conditions

The film production organisation will agree to comply with any approval conditions imposed by the Council. Copies of the filming conditions will be provided by the Council at the time approval is granted.

Licence Agreement

As part of Council's approval a licence agreement will need to be signed by both Council and the production company. This agreement expresses the producers responsibility to restore the film location to its original state. Also it relinquishes Council's right to any copyright over any representation of the film location in favour of the production company. A copy of this agreement can be obtained from Council's nominated contact person.

Failure to comply with Approval Conditions

Failure to comply with approval conditions may result in cancellation of the approval and or termination of the licence and refusal of future applications.

Nomination of Contact Person

Council will provide a contact person to answer questions about the application process, act as a liaison when filming is about to begin, and assist in obtaining any other approvals needed through by Council.

Fees

A fee will be charged for each application. The level of fee is outlined in the attached schedule of fees. Approval will not be given until the fee has been paid.

Bond

Ordinarily a bond will not be required. However Council may ask for a bond to be lodged in circumstances where there is extensive filming or if there is considered to be major restoration works to be carried out.

Filming on private property

Where filming is confined entirely to private property, no fee will be charged. Where there will be an impact on public land (such as stringing or laying cables, vehicles parking in the street, and so on) an application will need to be made and approval conditions followed.

Site to be left in Original State

The site must be left in the condition it enjoyed prior to filming taking place. To that end, vehicles and animals are not to be taken into public reserves without approval, and any damage caused as a result will incur a financial penalty for restoration work.

Reports from Director Corporate Services

Approvals required from other agencies to be obtained by the applicant

Where filming will require the approval of other authorities such as the Police, Roads and Traffic Authority, National Parks and Wildlife Service or Waterways Authority, the applicant is to obtain that approval and provide details with their application to Council.

Rescheduling

In granting approval, council acknowledges that it is sometimes necessary to re-schedule film shoots. In the case of unfavourable weather and/or change in filming dates, advice is to be given to the Council contact officer of the postponement, and the proposed re-scheduling date. No additional fees will be payable for this process provided that the total number of filming days does not exceed that originally outlined in the application.

Copyright

It is the film production company's responsibility to check whether copyright applies to any objects which might be filmed.

Reports from Director Corporate Services

REPORT:

Council, at its meeting on 7 June 2000, resolved to place the Draft Film Locations Guidelines Policy on exhibition for 28 days. The policy is reproduced as follows:-

“Background

Tweed Shire Council welcomes the use of areas under its control for film production shoots. It is important though that production companies understand Council has the care, control and management of these areas. This means Councils' primary duty is to ensure the maintenance of residents' amenity. It is also necessary to ensure public safety and free movement while film shoots are taking place. Bearing these principles in mind this set of guidelines have been developed to assist both film companies and local people when film shoots are to be undertaken.

Applications (Project Plan)

Applicants will need to outline in their application (Project Plan) measures to be taken to ensure safety and minimise disruption at and around the location, with the following details:-

Notification

All residents and businesses within the vicinity are to be notified in writing by the applicant at least five days before filming begins. The notification must include the name of a contact person on site to handle complaints, and details of the filming including whether firearms, aircraft, stunts or explosives are to be used. The start time for set up and hours during which filming takes place will also be specified. The applicant will need to prove to Council's satisfaction that this notification process has been satisfactorily undertaken. Council may require extended notification time if the location shoot is considered extensive.

Traffic Control

A detailed outline will need to be provided of the number and size of the production vehicles, parking, any use of heavy equipment. If the filming is to be conducted on a Council road specific details of filming times and duration of any hold and release, use of authorised traffic control officers, ensuring at least 10 days advanced warning of changed traffic conditions signs are used and that the local police have been notified of the proposed temporary road closures.

Security

Details of how security is to be conducted on the film location and identification of measures which will be employed to maintain public order and crowd control. Where a film crew's activities will obstruct vehicle or pedestrian traffic details must be provided in the application. Details of the safe management of the site must be provided.

Reports from Director Corporate Services

Aircraft

If any aircraft (including helicopters) are to be used and any requirements specified by the Civil Aviation Safety Authority (CASA).

Dangerous Materials

Details of storage and use of any dangerous material (defined by Dangerous Goods Act 1975 (NSW)) on the film location. If any pyrotechnics, explosives or flammable materials are to be used and details of the time, method of use and the details of the suitably qualified person to conduct such events.

Night Shoots

If any filming is to be carried out at night, provide details of special efforts which will be made to prevent any excessive noise or lighting which may interfere with nearby residents amenity.

Notification of Emergency Services

An application for film location will need to contact the local emergency services of the film location details especially, traffic control, use of aircraft, use of dangerous materials and night shoots.

Details of Shoots

Details of shoot locations and times will need to be provided including a map of the area. All activity associated with the film production shoot must be undertaken in compliance with the Noise Control Act. Any lights must be directed away from any roads, motorists, or residences.

Construction

Any building work associated with the film shoot is to be advised in the application and may be subject to Council's development application processes depending on size, scale and longevity.

Public Liability

With the application the production company will need to provide a certificate of currency of their public liability insurance with a minimum of \$10 million insurance. The name of the company, details of the policy, and its expiry date must also be provided.

Safety

The applicant will ensure that all conditions required under its insurance policy are met and that the site complies with Occupational Health and Safety Act 1983 (NSW), Construction Safety Act 1912 (NSW) and Dangerous Goods Act 1975 (NSW) including all relevant regulations, codes of practice and Australian Standards associated with these acts.

Reports from Director Corporate Services

Compliance with Approval Conditions

The film production organisation will agree to comply with any approval conditions imposed by the Council. Copies of the filming conditions will be provided by the Council at the time approval is granted.

Licence Agreement

As part of Council's approval a licence agreement will need to be signed by both Council and the production company. This agreement expresses the producers responsibility to restore the film location to its original state. Also it relinquishes Council's right to any copyright over any representation of the film location in favour of the production company. A copy of this agreement can be obtained from Council's nominated contact person.

Failure to comply with Approval Conditions

Failure to comply with approval conditions may result in cancellation of the approval and or termination of the licence and refusal of future applications.

Nomination of Contact Person

Council will provide a contact person to answer questions about the application process, act as a liaison when filming is about to begin, and assist in obtaining any other approvals needed through by Council.

Fees

A fee will be charged for each application. The level of fee is outlined in the attached schedule of fees. Approval will not be given until the fee has been paid.

Bond

Ordinarily a bond will not be required. However Council may ask for a bond to be lodged in circumstances where there is extensive filming or if there is considered to be major restoration works to be carried out.

Filming on private property

Where filming is confined entirely to private property, no fee will be charged. Where there will be an impact on public land (such as stringing or laying cables, vehicles parking in the street, and so on) an application will need to be made and approval conditions followed.

Site to be left in Original State

The site must be left in the condition it enjoyed prior to filming taking place. To that end, vehicles and animals are not to be taken into public reserves without approval, and any damage caused as a result will incur a financial penalty for restoration work.

Reports from Director Corporate Services

Approvals required from other agencies to be obtained by the applicant

Where filming will require the approval of other authorities such as the Police, Roads and Traffic Authority, National Parks and Wildlife Service or Waterways Authority, the applicant is to obtain that approval and provide details with their application to Council.

Rescheduling

In granting approval, council acknowledges that it is sometimes necessary to re-schedule film shoots. In the case of unfavourable weather and/or change in filming dates, advice is to be given to the Council contact officer of the postponement, and the proposed re-scheduling date. No additional fees will be payable for this process provided that the total number of filming days does not exceed that originally outlined in the application.

Copyright

It is the film production company's responsibility to check whether copyright applies to any objects which might be filmed."

During the public exhibition period, three (3) responses were received (attached). A number of issues were raised:-

- **Location not "a tool for the Tweed" for promotion/economic**

Comment

- *Responses indicate that there is a divergence of view as to the economic value arising from encouragement for use of locations for film making within the Tweed. While one submissions suggests that film crews are self sufficient and the local economy does not benefit by their presence, others suggest that there is an opportunity for part time employment/infrastructure provision and add-on benefits that arise from a "low impact, environmentally friendly industry that brings in large amounts of money over a short period of time". This view is supported from the experience derived from film activities, part-time employment as applied to the local surf clubs and other community organisations, in support of the filming activities.*
- *Lack of prior consultation with local communities.*

Comment

The exhibition period of twenty-eight (28) days together with the discussion with community groups in development of the draft guidelines enabled input from all interested parties. The guidelines requirements for local communities to be informed/notified in writing with the provision of at least 5 days notice before filming, provides the local community with the scope to be informed and to inform the film-makers of their expectations.

- **Single point of contact (Council)**

Reports from Director Corporate Services

Comment

Council's experience to date has confirmed that single point contact within the organisation enables effective co-ordination of what can be a high number of various activities and liaison requirements. Council's practice facilitates this requirement.

- ***On the spot supervision***

Comment

The provision of on-site supervision and direction is a practice that Council, in recent times, has applied. The film-makers find this acceptable and enables the Council to ensure that their activities are generally in accord with their project plan.

- ***Inadequate Bond for clean-up***

The issue of adequacy of bond or other forms of guarantee have been canvassed extensively. The experience to date suggests that on-site supervision ensures that the film crews are responsible in ensuring that the site is left as it was prior to commencing of filming activities.

Given the nature of the responses and the Local Government Filming Bill which is due to be enacted within the next 6 months it is considered that a review of the policy should be conducted when this bill is enacted. This will be along with the associated fee structure.

Two (2) of the responses were received from the Fingal area. This area has experienced less than desirable treatment by film crews in the past and community concerns are warranted. It is proposed that in the reviewed that a series of film location areas guidelines be identified for specific areas within the Shire relative to community sensitivity to filming. This being based on their environmental value and other relevant factors. These specific film location area guidelines should then be reviewed with consultation with the relevant communities.

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Corporate Services

15. ORIGIN: Administration Services Unit

FILE REF: Festivals - Policy

REPORT TITLE:

Festivals Policy - First Round - 2000/01

SUMMARY OF REPORT:

Further to the adoption of Council's Policy on Festivals, two (2) applications have been received for the allocation of funds for 2000/01 and are now submitted for Council's consideration.

RECOMMENDATION:

That Council determines the applications for Festivals submitted by various parties, as in accordance with the adopted Policy, and the funds voted in the 2000/01 years Budget.

Reports from Director Corporate Services

REPORT:

Council, at its meeting held 21 April 1999, adopted the Festivals Policy. As a result of the Policy, the first round of applications for 2000/01 have been received and are now documented for Council's consideration.

The 2000/01 Budget allocation for festivals is \$31,000.00, with an amount of \$23,250.00 being available for distribution. Although the following applications have not been received, Council has traditionally allocated funds to the following organisations/Festivals:

- Kingscliff Business Festival
\$1,000.00
- Greenback Tailor Fishing Competition \$1,500.00
- Mooball Fish 'n' Nana Carnival
\$1,500.00
- Wintersun Festival
\$7,500.00

Applicant	Amount Requested	Purpose
Tweed Valley Banana Festival & Harvest Week	\$7,500.00	To celebrate the culture & agriculture of the Shire, promote tourism and raise funds for local charities. Theme for 2000 is "Aussie Icons", new content is country music & bush poetry plus usual 10 day program.
Smokehouse Music Club	\$900.00	To provide entertainment at the Murwillumbah Show, 4 November. Professional people are required to run the sound system.

The amount of donations requested, as stated, total \$8,400.00.

Copies of the two (2) applications received are attached for Councillors information.

Reports from Director Corporate Services

16. ORIGIN: Director

FILE REF: TACTIC/TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) / Tweed and Coolangatta Tourism Inc. (TACTIC) Amalgamation

SUMMARY OF REPORT:

Correspondence has been received from a group of concerned Tweed and Coolangatta Tourism Inc. (TACTIC) members concerning the amalgamation process.

The Tweed Economic Development Corporation (TEDC) has responded to this letter, indicating difficulties in continuing to progress the TEDC/TACTIC amalgamation.

RECOMMENDATION:

That Council determines its position in relation to the current agreement and its requirements, specifically in relation to Clause 4.2.

Reports from Director Corporate Services

REPORT:

At Council's meeting of 19 July 2000, a letter was tabled during discussions on the TACTIC monthly performance report, raising concerns to the level of information and member consultation regarding the proposed integration of TEDC/TACTIC.

A letter (copy attached) has now been received from TEDC outlining the organisation's position in regard to the proposed amalgamation.

The three (3) year funding agreements between Council and TEDC and TACTIC includes a requirement at Clause 4.2, that states:-

“The Board of Directors of TACTIC shall maintain a liaison with the Board of Directors of Tweed Economic Development Corporation (hereinafter referred to as ‘TEDC’) and Tweed Main Streets Co-ordinator regarding integrated activities for the most effective use of Council provided funds for the enhancements of tourism, economic development and events co-ordinator.”

The integration of the Tweed Shire Town Centres Committee and TEDC component has been achieved, however, TEDC have advised *“that TEDC is not in a position to pursue the matter of amalgamation any further.”*

Council's condition for ongoing funding, as reflected in the agreements, needs clarification and/or review with TACTIC.

Reports from Director Corporate Services

17. ORIGIN: Administration Services Unit

FILE REF: Local Government Week

REPORT TITLE:

Local Government Week - 23 to 29 July 2000

SUMMARY OF REPORT:

A survey of the bus tours undertaken during Local Government Week was carried out. The outcome and costs of the activities conducted during Local Government Week are contained in this report.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Council again this year conducted bus tours of the Shire on Monday, 24 July 2000 and Thursday, 27 July 2000.

The main thrust of the tours was to inform the people attending of the present and proposed developments in the Shire, including the proposed Cobaki Lakes development, Casuarina Beach, Kings Forest and Seabreeze Estate to name a few. Comments made during the tours related to the excellent job that staff from the Development Services Unit did in explaining these proposed developments.

Other points of interest during the tours included the libraries at Kingscliff and Tweed Heads, the Smart House, exteriors to the Murwillumbah Sewerage Treatment Plant, and the artificial wetlands in Kirkwood Road. This year tours were even more informative because of the work being undertaken on the motorway from Chinderah to Yelgun.

The assistance of Councillors who joined the tours was appreciated.

On Wednesday, 26 July 2000 the school debate as part of Local Government Week was held at the Tweed Heads Civic Centre where some four hundred children attended. St James Primary School, Banora Point, won the primary school debate with the secondary school debate being won by St Josephs College, Banora Point. Solo Resource Recovery sponsored morning tea for the children, which included a miniature Solo Waste wheelie bin, with sweets and a drink.

BUS TOUR SURVEY

Following the bus tours conducted on Monday, 24 July and Thursday, 27 July a random survey was conducted of 12 passengers on the bus tours.

The Aim

The aim of the survey was to gauge community opinion on the viability, suitability and structure of the bus tours. It also aimed to investigate whether the bus tours are a suitable public relations exercise in terms of educating ratepayers and residents about the roles, processes and projects associated with Council.

The Method

Those involved in the survey were contacted by telephone and asked the same five questions regarding their experience on the bus tours. Those who were sampled were selected randomly from the lists of those who attended the bus tours, however, an effort was made to take a cross-section of people, from different residential localities across the Shire.

The Questions

The five questions asked of the residents were:

- Did you enjoy the bus tour? Why?
- What was/were the highlight(s) of the tour?

Reports from Director Corporate Services

- Do you think the tours are a worthwhile Council activity and public relations exercise?
- Did you come away more informed about Council and its operations?
- What aspects of the tour could be improved?

Results

The survey of 12 participants of the bus tours revealed that there was a 100 per cent approval of the concept and the application of the Local Government Week tours. All of those surveyed said they enjoyed the tours for a variety of reasons.

The primary reason most enjoyed the tours was because of the information that was presented during the tours. Most said they left the tours with a greater knowledge of Council practices and activities, with many claiming they left with a greater appreciation and understanding of some of Council's more controversial projects such as the 'Smart House' and Council's role in approving developments such as Casuarina Beach.

Many acknowledged that their desire to travel on the bus tours was to be informed but two of those surveyed said they found the tours not only 'stimulating' and 'enlightening' but also a social event.

Many described the tours as a must for all ratepayers. One respondent said many ratepayers were 'whingers' and critical of Council but the tours provided answers to pressing issues and concerns in the community and across the shire.

Some of the comments included:

"They were very informative."

"Those who organised them did a great job."

"I found out so much I didn't know."

"I loved it. It was great. The bus trip was great. The commentaries were great. The whole thing was great."

"It was excellent. I haven't stopped raving about it."

"It was good to go out and see what our money's spent on. It certainly gives you a greater appreciation of Council."

The bus tour highlights differed markedly from respondent to respondent. However the highlights included:

- The 'Smart House'.
- The development of the Tweed Coast, including Casuarina Beach.
- The expert opinion from Council staff and councillors on how the money for projects is spent and allocated.
- The site of the new art gallery.

Reports from Director Corporate Services

- The Botanic Gardens and cemetery.
- The new Chinderah to Yelgun Motorway.
- The new sewerage systems.
- Road works and bridge works such as the plans for the new Byangum Bridge.

All of those surveyed said they saw the tours as a worthwhile public relations activity and many said they had already told their friends, relatives and neighbours about the tours. More than half those surveyed said they believed the tours should be conducted at least twice a year to allow more people to attend and to provide them with the opportunity to be informed of Council's activities.

Most said they had read about many of the activities they visited in the Tweed Link, but said it was not until they visited the sites that they could fully grasp the enormity and importance of many of the projects Council is undertaking.

Although some said they realised it was potentially expensive to host more tours they said an informed and educated public was more often than not a happy public. Over 80-percent of those surveyed made a special point of pleading for the tours to be retained

When the sample group was asked if there was any improvements that could be made to provide a better bus tour, all agreed the locations visited, the commentary by staff and councillors, and the catering at lunch time were all excellent. The only negative comments related to the advertising and booking arrangements with one survey recipient commenting about the wrong booking time being posted in the Tweed Link. Another said she was concerned about the potential cost to host such an event but was also quick to point out she believed it was worth it given her experience. Another attendee said she was concerned about the over-catering that had taken place at lunch and said one member of the bus tour had seen some sandwiches thrown in the bin. She said she hated seeing food being wasted and although she acknowledged the lunch was tasty she said she was concerned there was too much food that was wasted. Another respondent said she was particularly interested in recycling and said she did not think the recycling talk at the Stott's Creek Recycling Centre was informative enough.

However, 70-percent of those surveyed said they were enjoying the tours too much to see any negatives. They said things are fine the way they are.

COSTS ASSOCIATED WITH LOCAL GOVERNMENT WEEK CELEBRATION

Bus trips – Monday & Thursday	\$1,640.00
Catering Morning tea	\$749.00
Lunch	\$1,512.00
Debate prizes	\$300
Total	\$4,201.00

An amount of \$5,000 was allocated in the current years budget for Local Government Week expenditure.

Reports from Director Corporate Services

18. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - June 2000

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc. (TACTIC) monthly performance report for June 2000 is provided in accord with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of June 2000.

5.1.1 The number and category of financial members of TACTIC;

	April 2000	May 2000	June 2000
Ordinary Members	150	150	153
Service Members	8/8/2000	25	26
Total	175	175	179

5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre;

	April 2000	May 2000	June 2000
World Heritage Rainforest Centre	234 1	1893	1690
Tweed Heads Visitors Centre	1743	2043	2043
Total	4084	3936	3733

Currently the two centres are undertaking surveys on the type of enquiries received:

World Heritage Rainforest Centre:

Type of Enquiry	No. of Enquiries	%	Variance from May
Tourism	528	56	+1%
National Parks	166	17	+3%
Street Directions	138	15	-2%
Bus Timetables	18	2	Nil
Other	101	10	-2%

Reports from Director Corporate Services

Tweed Heads Tourist Information Centre:

Type of Enquiry	No. of Enquiries	%	Variance from May
Tourism	1594	59	-1%
Bus Timetables	262	10	-2%
Directions	473	18	+1%
National Parks	21	1	+1%
Other	320	12	-1%

- 5.1.3 The provision by TACTIC to Council of updates on current programs conducted by TACTIC;

Internet Site

Virtually There Guides have advised that the company is presently up for sale. The new owners should be known by the end of this financial year. TACTIC may need to negotiate a new agreement with this group.

Review operations of the Tourist Information Centre

Volunteers

- Volunteer Co-ordinator, Robyn Rae, has instigated a familiarisation program whereby volunteers (as a group) will visit at least one TACTIC member per month to further product knowledge. Staff is also encouraged to join these groups if the familiarisation is held outside their working hours.
- Staff visited several members in June. These were Tweed Endeavour Cruises, Coach-Trans, Pioneer country and a tour of Springbrook. The Springbrook tour was organised in conjunction with the Springbrook Chamber of Commerce and Robyn Rae. A bus was organised for volunteers and staff, and there was 13 stops during the day. These were Hardy House B&B, Purlingbrook Falls Lookout, Kimbas Kitchen, Old School Information Centre, Canyon Lookout, Goomoolahra Falls & Picnic area, Tulip Gardens Guesthouse, The Manor, The Mouses House, Best of All Lookout, Springbrook Lodge and the Lyrebird Ridge Café and Gallery.
- There is a full agenda for familiarisations to member properties for the next two (2) months.

Staff

- Sheridan Hargreaves, Jenny Hungerford and Pam Wooster attended GST Seminars to become familiar with the next tax system. Sheridan Hargreaves has arranged for a GST Field Officer and Signposting Officer to visit TACTIC to give specific advice on the TACTIC system.
- A staff meeting was held on Thursday, 29 June to help keep staff informed on events and the new procedures that will need to be adhered to, to ensure TACTIC is GST ready. Staff were also interested to know how the proposed amalgamation between TACTIC, the TEDC and TSTCC was progressing and to know what their situation/position would be post amalgamation.

Reports from Director Corporate Services

Strategic Marketing Plan

- TACTIC was the nominated booking agent for the 2000 National Party Conference from 15-18 June 2000. The bookings taken by TACTIC for this conference totaled \$39,102.50, which gave TACTIC commission's revenue to the value of \$3,910.25.

Networking

- There is a Network Night scheduled for early June to enable TACTIC members to ask the Board of Directors questions on the proposed amalgamation of TACTIC, the TEDC and TSTCC. The venue for this activity is the North Star Resort at Hastings Point.

Central Reservations System (CRS)

- Final upgrades to the CRS have been made, and this is fully operational on one of the computers at the Tweed Heads Visitors Centre. Upgrading the computers in both centers is currently being looked into to ensure the system can be fully utilised. Staff training in the correct use of this system, including the understanding of its full potential is to be scheduled for July.

5.1.4 The comparison between quarterly profit and loss statement and the budget;

See attached Profit and Loss Statement for the period July 1999 to June 2000.

5.1.5 The provision by TACTIC to Council on a monthly bank reconciliation;

See attached reconciliation statement for the period ending 30 June 2000.

5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows;

a) International Marketing

b) Domestic Marketing

Talkabout 2000 is to be held in Melbourne from 29 July to 2 August 2000. Tweed products will be represented at this Trade event as part of the Tropical NSW stand, with Sheridan Hargreaves from TACTIC attending this event on behalf of the region. Interest is currently being sought from interested operators, with three (3) confirmations. Travel Agents from both Australia and New Zealand will be in attendance of this show.

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC;

Shopping Centre Promotions

- The Australia Fair Shopping Centre promotion was held on 8 June 2000. There were seven (7) co-operative participants; 4 @ \$50, 3@ \$45. Gross income: \$335.00. Expenses: \$116.75. Funds generated for marketing \$218.25.

Reports from Director Corporate Services

- The Australia Fair Shopping Centre promotion was the final shopping centre promotion for the 1999-2000 financial year. The 2000-01 Marketing Calendar is currently in preparation, and will include shopping centre promotions again.

Advertising

- Advertising in the NRMA Accommodation Guide 2000 was booked. This publication was released in late May. TACTIC has an advertisement in this publication. The previous edition of the Accommodation Guide generated a large number of enquiries for TACTIC members.

Domestic Marketing

- Sheridan Hargreaves attended a Rainforest Week meeting held 13 June. Discussions included the proposal to appoint a professional event organiser to help with the coordination of the event. Rainforest Week 2000 has been scheduled to run from 23 September to 8 October 2000 in the Northern Rivers region.
- The 2000/01 Marketing Calendar is currently under review.

Trade Events

- We are currently working towards representation at the Gateway Holiday Expo to be held in Brisbane in September 2000. The show is affiliated with Channel 9's "Getaway" program and as such receives a great deal of publicity.

Upcoming Promotions

- Talkabout in Melbourne from 29 July to 2 August 2000.

5.1.8 The amount of retail sales:

April 2000	May 2000	June 2000
\$2,682.45	\$2,596.86	\$2,123.25

5.1.9 The number and value of the booking system growth;

	April 2000	May 2000	June 2000
Number	83	68	57
Accommodation bookings	\$14161.50*	\$14,873.85*	\$7,624.35*
Tours	\$3645.28*	\$1,500.75*	\$1,026.00*
Commission	\$2018.67*	\$1,819.40*	\$961.15*
Total	\$19825.45	\$18,194.00*	\$9,611.50*

(NB: Accommodation and tour bookings totals do not include commission amounts)

Reports from Director Corporate Services

* These figures are higher than average due to bookings taken for the upcoming National Party Conference in June.

- 5.1.10 The level of attendance at Board meetings by the members of the Board of TACTIC;
A TACTIC Board meeting was not held in June.
-

Reports from Director Corporate Services

19. ORIGIN: Financial Services Unit

FILE REF: Budget

REPORT TITLE:

Financial Management Report

SUMMARY OF REPORT:

Financial Management information for July 2000.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The following financial information is provided for the period July 2000.

1. APPROVED BORROWING LIMIT – 2000/01 – MINISTER’S DETERMINATION

Council, in the 2000/2003 Management Plan/Budget adopted a loan funded works program of \$2,386,000. The approved program consisted of:-

	\$
Bridge construction	1,000,000
Drainage Construction	600,000
Flood Mitigation	40,000
Road Construction	500,000
Skate Park (part contribution)	20,000
Kingscliff Pool Heating	36,000
Public Toilets	150,000
Boat Ramps	<u>40,000</u>
	\$2,386,000

The Department of Local Government has advised Council that approval has been given to borrow this total amount.

“The Minister has determined under section 624 of the Local Government Act, 1993, the borrowing limit for Council for the period 1 July, 2000 to 30 June, 2001. The purpose/s for which the borrowing limit is to be used are detailed on the attached ‘SCHEDULE OF DETERMINED BORROWING LIMIT FOR THE PERIOD 1 JULY, 2000 TO 30 JUNE, 2000’.

Council may use its Other Purpose Borrowing Limit for any authorised purpose, other than projects that require a capital expenditure review approval (Departmental Circular 97/55).

Council is reminded that under clause 30 of the Local Government (Financial Management Regulation) 1993, the General Manager must notify the Director General within seven (7) days of any borrowing. This may be done by either e-mail (jeff.oneill@dlg.nsw.gov.au) or letter.

Council should immediately notify the Department in writing of any amount not being taken up so that it may be re-allocated to another council. Any notification to the Department should be made in sufficient time to enable a re-allocation

Reports from Director Corporate Services

Schedule of Determined borrowing Limit for the Period 1 July 2000 to 30 June 2001

(allocation current as at 30 June 2000)

<i>New Money</i>	<i>\$</i>
<i>Other Purposes</i>	
<i>Infrastructure</i>	2,180,000
<i>Other</i>	206,000
<i>New Money TOTAL Borrowing Limit</i>	2,386,000
OLD MONEY	
<i>Old (Renewal) Money TOTAL Borrowing Limit</i>	1,680,000
<i>Total New and Old Money Borrowing Limit</i>	4,066,000

2. TWEED LINK – FINAL COSTS 1999/00

The net costs of the Tweed Link for the financial year 1999/00 is as follows:-

Expenditure	\$232,440
Less Income	<u>\$110,142</u>
Net Cost	\$122,298

Council originally provided \$181,400 in the 1999/00 Budget for the operation of the Tweed Link. The budget net cost for current financial year (00/01) is estimated at \$152,109.

3. EXCESS WATER – INDICATORS

Council has finalised the issue of the annual access accounts for 1999/00.

During last financial year 7656 accounts were issued for a total charge value of \$1,650,000.

HISTORICAL INDICATORS

	No of Connections	No of Invoices	Minimum Rate	Water Allowance	Excess Water Charge/Kl	Excess Water Income Received
1999/00	18,700	7,656	\$215.00	250Kl	72¢	\$1,650,000
1994/95	17,151	5,617	\$277.50	370Kl	75¢	\$1,812,642
1990	12,767	Not avail.	\$240.00	369Kl	65¢	\$1,644,453

4. LEVYING OF RATES AND CHARGES – 2000/01

Rate notices for year 2000/01 were issued in July with a due payment date of end of August 2000.

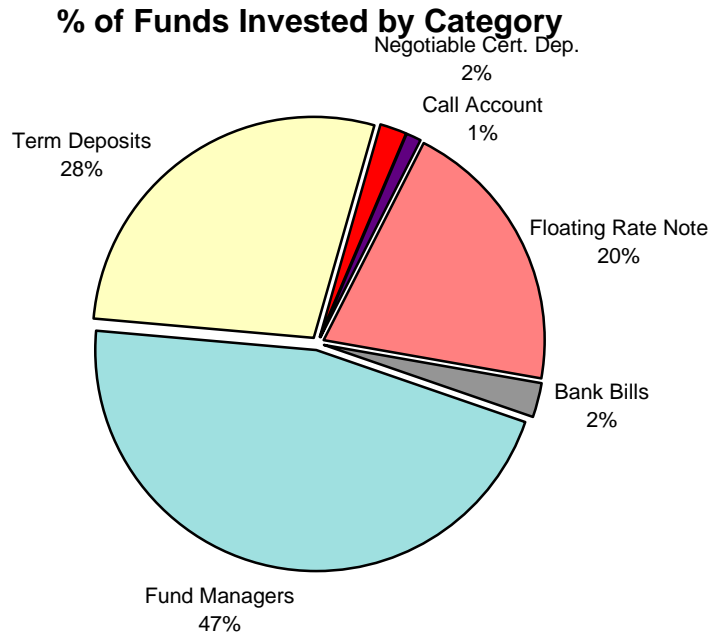
There was a total of 30,000 notices levied with a value of \$39,100,000.

Reports from Director Corporate Services

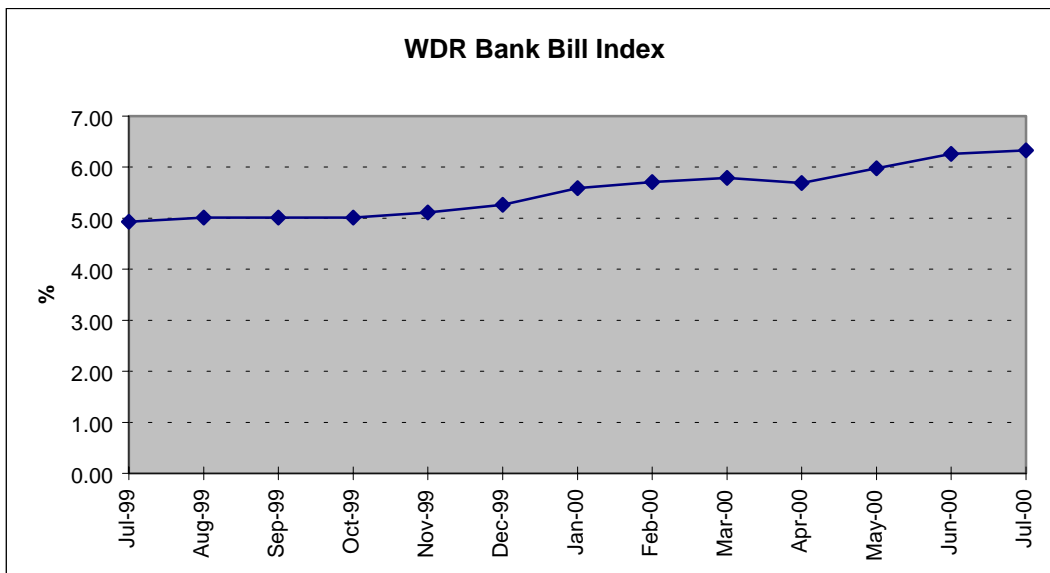
5. MONTHLY INVESTMENT REPORT

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

5.1 Current Investment Portfolio by Category



5.2 Investment Rates – 90 Bank Bill Rate (%)

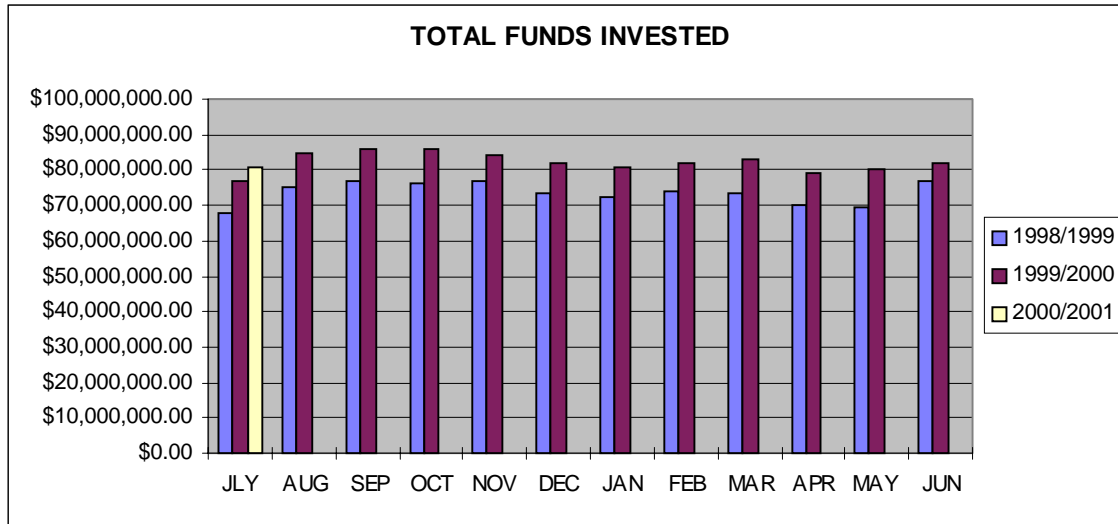


Reports from Director Corporate Services

5.3 Annualised Rate of Return for Funds Managers - Net of Fees

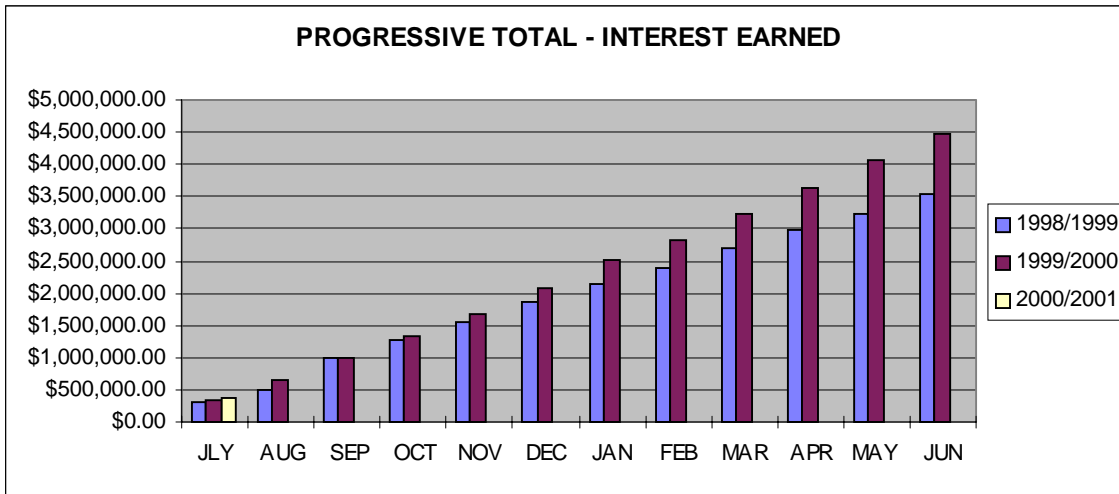
Fund	30 Days %	90 Days %	1 Year %
ANZ	6.73	6.81	5.84
Bankers Trust	6.37	6.08	5.48
Macquarie	5.25	6.28	5.22
National Mutual	6.35	6.55	5.69

5.4 Monthly Comparison of Total Funds Invested



Reports from Director Corporate Services

5.5 Annual Progressive Total of Interest on Total Funds Invested



5.6 Market Commentary

The Reserve Bank of Australia's decision to increase the cash rate to 6.25% on 2 August reflects their view that labour costs and inflation are likely to increase over the next 12 months. The weaker Australian dollar and higher oil prices have exacerbated the inflation result, with measures of underlying inflation now around the two and a half percent level. At this stage any subsequent rise in yields is likely to be relatively well contained, given that fixed interest markets have begun to price in another interest rate rise before the end of the year.

Reports from Director Corporate Services

5.7 Investment Summary as at 31 July 2000.

GENERAL FUND

BANKS	18,155,000.00	
FUND MANAGERS	219,475.70	
LOCAL GOVT. FIN. SERVICES	2,000,000.00	
CALL	1,021,023.88	21,395,499.58

WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	25,245,767.95	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	33,245,767.95

SEWERAGE FUND

BANKS	2,056,000.00	
FUND MANAGERS	11,896,693.80	
LOCAL GOVT. INV. SERVICE	12,387,877.37	26,340,571.17

TRUST

FUND MANAGERS	50,000.00	50,000.00
---------------	-----------	------------------

TOTAL INVESTMENTS

81,031,838.70

It should be noted that the General Fund investments of \$21.4 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

Statutory Statement - Local Govt 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 Accounting Officer
Manager Financial Services

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Corporate Services

20. ORIGIN: Director

FILE REF: Civic Centre - Murwillumbah

REPORT TITLE:

Alterations to the Council Chambers

SUMMARY OF REPORT:

At the request of Councillor Marshall, costings have been obtained for suggested alterations to the Council Chambers.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Councillor Marshall has submitted a number of suggestions to improve the layout and attend to safety features of the Council Chambers. Costings have been obtained and are now submitted for Council's consideration.

1. Investigation of the level of lighting in the Chamber

This has been done. Initially new globes were fitted; although they increased the level of lighting there was a problem with overheating and the globes intermittently failed. Alternative globes have now been purchased and fitted. These globes appear to be satisfactory.

2. The cost of affixing seating to the floor in the Public Gallery

This can be done or alternatively replace the three adjoined seats with single seats. Cost \$50.00

3. Cost of supplying and installing four (4) Visual Display Units for sharing between two (2) Councillors

The same as provided to Councillor Carroll.

4 units at \$1,500.00 each	\$6,000.00
cabling and the provision of a splitter box	\$8,000.00
Total	\$14,000.00

4. Estimated cost of replacing the Public Gallery door with an automatic sliding door with the capacity to electronically control the locking and unlocking from a central control.

Would involve considerable alteration to the present door and the installation of electronics back to a central control, bearing in mind the floor of the Chamber is of solid concrete.

Estimated cost of supplying and installing the electronic automatic door would be \$5,000.00.

5. Cost of increasing the depth of the Councillors desk space.

This would involve the placement of a timber border on the existing desk. Estimated cost \$1,000.00.

6. Provision for disabled access and adequate signage.

After discussions with the Manager Environment & Health Services, the most appropriate approach to provide such access would be to cut a hole in the wall of the Public Gallery on the eastern side. All other entrances do not comply with the DDA Regulations. Estimated cost \$4,000.00.

7. Installation of additional lighting to better illuminate the newly installed whiteboard.

This is only a minor cost and will be done upon the availability of Council's Electrician.

8. Quotation for the purchase and installation of a Communication System that enables the Chairperson to:-

- **Control each Councillor speaking;**

Reports from Director Corporate Services

- **Enable Audio recording of Council meetings;**
- **Enable Councillors to indicate if they are wishing to speak;**
- **Provide a visual indication of who is being recorded; and**
- **Indicate how long a Councillor has to speak.**

The present audio system was installed when the building was constructed in 1975, some 25 years ago. Rices Retravisation were involved with the purchase and installation of this system.

An indicative quotation was obtained through Rices Retravisation based on the requirements above.

Estimated cost \$20,000.00-\$22,000.00

Installation costs \$2,000.00

COST SUMMARY

2. Affixing seats to the Public Gallery floor	\$50.00
3. Supplying and installation of VDU's	\$14,000.00
4. Replacement of Public Gallery door	\$5,000.00
5. Increasing depth of Councillors desk	\$1,000.00
6. Provision of disabled access and signage	\$4,000.00
8. Improved communication systems	\$24,000.00
Estimated Total Cost	\$48,050.00

There is no provision in the current years Budget for such expenditure.

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Corporate Services

21. ORIGIN: General Manager

FILE NO: Quarterly Report

REPORT TITLE:

Quarterly Corporate Report

SUMMARY OF REPORT:

The Quarterly Corporate Report covering the period to 1 April 2000 to 30 June 2000 is presented for Council's information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with Section 407 of the Local Government Act the General Manager must report to Council each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Quarterly Corporate Report is still being developed and is currently at a stage of development where the information is being collected and expressed, in some instances, in graph form. As it is further developed it will be used as a management tool to gauge the performance of Council's activities. These Quarterly Reports will be combined on a yearly basis and included in the Annual Report so as to advise the community of Council's activities and to compare such activities to the Management Plan for that year.

Development Services Quarterly Report

REPORT FOR THE PERIOD

1 APRIL 2000 TO 30 JUNE 2000

DEVELOPMENT CONTROL

STRATEGIC TOWN PLANNING

SUBDIVISIONS

Reports from Director Corporate Services

Development

SUB PROGRAM:	DEVELOPMENT ASSESSMENT
BUDGET SUB PROGRAM:	D01., D05. Development Assessment, Subdivision Assessments
PRINCIPAL ACTIVITY:	4. DEVELOPMENT ASSESSMENT
RESPONSIBILITY:	Manager Development Control - Garry Smith Manager Subdivisions - Darryl Anderson
SUB PROGRAM OBJECTIVE:	<ol style="list-style-type: none"> To facilitate the development and use of land within the legislative framework and achieve quality of development and environment commensurate with community expectations and which is environmentally sustainable. To achieve high quality processes, assessment and outcomes by the following action plan.

Main Functions	Performance Target	Performance Report
<ul style="list-style-type: none"> Continuous improvement in the processing and assessment of development applications 		<ul style="list-style-type: none"> Performance targets substantially achieved
<ul style="list-style-type: none"> Continuous improvement in the processing and assessment of certificate applications <ol style="list-style-type: none"> construction certificates subdivision certificates strata subdivision applications 	<ul style="list-style-type: none"> Achieve performance targets referred to in Performance Assessment Measures 	<ul style="list-style-type: none"> Performance targets largely achieved
<ul style="list-style-type: none"> Implementation of Application Determination Policy 		<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Development of Protocol with stakeholders on provision of service - involving "Focus Group" 	<ul style="list-style-type: none"> Completion of jointly endorsed document 	<ul style="list-style-type: none"> In preparation
<ul style="list-style-type: none"> Provision of timely accurate and courteous advice 	<ul style="list-style-type: none"> Surveys show high level of customer satisfaction with the service 	<ul style="list-style-type: none"> Survey in preparation
<ul style="list-style-type: none"> Response to outcomes of DA customer survey 	<ul style="list-style-type: none"> All agreed actions implemented 	<ul style="list-style-type: none"> See above
<ul style="list-style-type: none"> Implement Complaints and Work Request Policy and required Enforcement. 	<ul style="list-style-type: none"> Response times achieve targets within Policy 	<ul style="list-style-type: none"> Ongoing

Reports from Director Corporate Services

Main Functions	Performance Target	Performance Report
<ul style="list-style-type: none">Construction monitoring to ensure compliance with approvals and adequate supporting infrastructure	<ul style="list-style-type: none">Full compliance achieved with approvals and conditions to achieve efficient and quality outcomes with discretion exercised as appropriate	<ul style="list-style-type: none">Ongoing
<ul style="list-style-type: none">Prompt issue of planning certificates	<ul style="list-style-type: none">5 day turnaround - 2 days maximum for "urgent" certificates	<ul style="list-style-type: none">Ongoing

Reports from Director Corporate Services

Strategic Planning

SUB PROGRAM:	STRATEGIC PLANNING
BUDGET SUB PROGRAM:	D04. Strategic Planning
PRINCIPLE ACTIVITY:	4. STRATEGIC PLANNING
RESPONSIBILITY:	Manager Strategic Planning - Douglas Jardine
SUB PROGRAM OBJECTIVE:	To formulate sustainable policies and strategies for the Tweed which ensure quality outcomes for the balance between development and the environmental conservation; and sound social and community development.

Main Functions	Performance Target	Performance Report
<ul style="list-style-type: none"> Second major stage of Tweed Shire wide LEP 	<ul style="list-style-type: none"> Completion of draft LEP by December 2000 for exhibition 	<ul style="list-style-type: none"> Preparation of draft not yet commenced - significant foundation studies and analysis undertaken eg Tweed Vegetation Management Plan 1999.
<ul style="list-style-type: none"> Kings Forest/Kings Beach Planning Framework 	<ul style="list-style-type: none"> Complete draft LEP, section 94 plan and DCP June 2000 	<ul style="list-style-type: none"> LES drafted by consultants
<ul style="list-style-type: none"> Review and prepare Section 94 Plans <ul style="list-style-type: none"> a. libraries b. cemeteries c. Open space d. car parking 	<ul style="list-style-type: none"> Review of plans ongoing 	<ul style="list-style-type: none"> a) GHD engaged to review plan b) Completed c) Being reviewed by consultants d) Completed
<ul style="list-style-type: none"> Review and prepare development control plans <ul style="list-style-type: none"> a) car parking b) rural buffers c) Tweed Heads 	<ul style="list-style-type: none"> Review of plans ongoing 	<ul style="list-style-type: none"> a) Completed b) Draft prepared. Deferred and to be included in rural strategy c) Draft DCP exhibited
<ul style="list-style-type: none"> Prepare site specific draft LEP's as required 	<ul style="list-style-type: none"> ongoing 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Review of Industrial Land 		<ul style="list-style-type: none"> Study completed - being implemented
<ul style="list-style-type: none"> Rural Strategy 		<ul style="list-style-type: none"> Initial draft report completed. Requires extensive review
<ul style="list-style-type: none"> To progressively prepare Locality Plans including:- <ul style="list-style-type: none"> a.Pottsville Strategy b. Kingscliff Strategy c.Fingal 	<ul style="list-style-type: none"> Adoption by Council within targeted times. 	<ul style="list-style-type: none"> a. Completed b. Draft Plan prepared c. Not started
<ul style="list-style-type: none"> Implementation of Area Assistance Scheme and Tweed Social Plans 	<ul style="list-style-type: none"> Allocation of funds in an equitable manner which reflect Council needs. 	<ul style="list-style-type: none"> Ongoing Community Profile completed November 1999
<ul style="list-style-type: none"> To provide courteous, timely and accurate advice to customers 	<ul style="list-style-type: none"> Surveys show 75% satisfaction 	<ul style="list-style-type: none"> No survey undertaken

Corporate Services Quarterly Report

REPORT FOR THE PERIOD

1 APRIL 2000 TO 30 JUNE 2000

ADMINISTRATION SERVICES

BUSINESS UNDERTAKINGS

FINANCIAL SERVICES

HUMAN RESOURCES

Reports from Director Corporate Services

Administration

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A01. Administration Services
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Administration - Brian Donaghy
SUB PROGRAM OBJECTIVE:	To develop and maintain an effective administration service system to ensure optimum performance to the organisation.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Administrative support to the organisation 	<ul style="list-style-type: none"> The provision of secretarial and administrative services for the Council's Standing and Ad Hoc Committees for the Council and for the organisation 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Records Management Services 	<ul style="list-style-type: none"> Provision of an accurate and comprehensive Records Management System for the Corporation 	<ul style="list-style-type: none"> First stage Dataworks implemented with staff having attended training sessions. Review sessions continuing.
<ul style="list-style-type: none"> Printing and Photocopying Services 	<ul style="list-style-type: none"> Provision of effective and efficient printing and photocopying service to organisation 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Operational services for the Council 	<ul style="list-style-type: none"> Provision of secretarial services to the Council 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Democracy and Civic activities 	<ul style="list-style-type: none"> Provision of service and facilities for civic activities 	<ul style="list-style-type: none"> 2 Library openings Civic receptions held for sporting and cultural groups Operational activities ongoing
<ul style="list-style-type: none"> Corporate Management 	<ul style="list-style-type: none"> Regular review of Council's Policies and Delegations 	<ul style="list-style-type: none"> Policies & Delegations – updates ongoing and available on website
<ul style="list-style-type: none"> Communication Consultation 	<ul style="list-style-type: none"> Annual Report and Tweed Link Liaison with Council Executive 	<ul style="list-style-type: none"> Being prepared, Link processed weekly Done on a regular basis Communications Committee meeting regularly
<ul style="list-style-type: none"> Local Government Liaison 		<ul style="list-style-type: none"> As required.
<ul style="list-style-type: none"> Elections 	<ul style="list-style-type: none"> Provision of staff and facilities Organisation of the 1999 elections in conjunction with the Returning Officer 	<ul style="list-style-type: none"> Elections completed

Reports from Director Corporate Services

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A02. Information Technology
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Administration - Brian Donaghy
SUB PROGRAM OBJECTIVE:	To provide first class technological assistance to staff to enable the delivery of effective, efficient and customer focussed services.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Main Computer Systems 	<ul style="list-style-type: none"> • Provide access to Genasys Council Information Systems • Minimal interruption to service • Perform regular updates to CIS systems • Ensure accurate and efficient processing of data • Encourage use of all systems, sub-systems and features • Ensure systems meet needs of users 	<ul style="list-style-type: none"> • Computer system being monitored for performance. • Down time kept to a minimum. • Data being processed accurately • System being upgraded to meet user needs • IT Committee meets weekly
<ul style="list-style-type: none"> • Management Services from other Functions 	<ul style="list-style-type: none"> • Cost of Services for printing, telephone and office space rental 	<ul style="list-style-type: none"> • Being done on a competitive basis
<ul style="list-style-type: none"> • Network Systems 	<ul style="list-style-type: none"> • Provide access to shared systems, data and peripherals • Minimal interruption to service • Provide solutions to users needs in regard to network facilities 	<ul style="list-style-type: none"> • Networks system operating with minimal interruption to service
<ul style="list-style-type: none"> • Geographic Information Systems 	<ul style="list-style-type: none"> • Encourage use of Genamap GIS System and interface/integration feature including Property Information 	<ul style="list-style-type: none"> • GIS system being enhanced and greater use of the system being encouraged
<ul style="list-style-type: none"> • Personal Computer Systems 	<ul style="list-style-type: none"> • Provide access to personal computer based systems • Provide solutions to users needs • Provide support to users in regard to hardware and software problems 	<ul style="list-style-type: none"> • All staff now provided with a PC. Support being given for hardware/software solutions
<ul style="list-style-type: none"> • Asset Management Systems 	<ul style="list-style-type: none"> • Encourage use of centralised Total Asset Management System(s) with appropriate features and interface/integration 	<ul style="list-style-type: none"> • Total Asset Management system to be further enhanced
<ul style="list-style-type: none"> • Management Information Systems 	<ul style="list-style-type: none"> • Develop effective solutions to the information needs of management • Provide support to users in use of management information systems 	<ul style="list-style-type: none"> • Training undertaken for the installation of the new MIS
<ul style="list-style-type: none"> • Communication Systems 	<ul style="list-style-type: none"> • Attend to requirements in regard to telephones 	<ul style="list-style-type: none"> • Ongoing

Reports from Director Corporate Services

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A06. Risk Management
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Administration - Brian Donaghy
SUB PROGRAM OBJECTIVE:	To insure Council's exposure against claims/damages/losses is minimised.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Insurance Fidelity Guarantee • Public Liability • Risk Management Program 	<ul style="list-style-type: none"> • The continuation of Risk Management practices • Adequate Public Liability Insurance • Advice/administration help to Council Insurance (NSW) State Organisation 	<ul style="list-style-type: none"> • Insurance portfolio renewed on a competitive basis • Risk management audit conducted. Conclusion to be implemented. • Ongoing

Reports from Director Corporate Services

Business Undertakings

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B05. Business Undertakings (Airfield)
PRINCIPLE ACTIVITY:	3. Business Undertakings
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To provide a facility for small aircraft operation and associated industry that meets exiting needs and through improvement will create greater usage.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Advice Council on matters affecting the airfield and its development. 	<ul style="list-style-type: none"> • Provide meaningful and timely reports. 	<ul style="list-style-type: none"> • Report to Council as required
<ul style="list-style-type: none"> • Act as Secretary of the Airfield Management Committee. 	<ul style="list-style-type: none"> • Generation of initiatives that promote and encourage positive action. 	<ul style="list-style-type: none"> • Convened and acted as secretary for committee. Took minutes, distributed same and implemented agreed actions
<ul style="list-style-type: none"> • Co-ordinate airfield development. 	<ul style="list-style-type: none"> • Establish private aircraft hangarage improve facilities. 	<ul style="list-style-type: none"> • Liaised with current leaseholders regarding future options given pending expiry of lease • Liaise with proponent of scheme to assign various leases and seek legal advice on GST and other associated issues.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B01. Business Undertakings (Land Development)
PRINCIPLE ACTIVITY:	3. Business Undertakings
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To manage and develop existing holdings and undertake land transactions so as to maximise commercial and community benefit.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Property management for existing Council houses. 	<ul style="list-style-type: none"> Maximise rental return and maintain property in rentable condition. 	<ul style="list-style-type: none"> Liased with RE Agents to ensure properties are let at best achievable rate and maintenance performed
<ul style="list-style-type: none"> Co-ordinate land development as directed by Council. 	<ul style="list-style-type: none"> To deliver the project on time, within budget and suitable for purpose. 	<ul style="list-style-type: none"> Act as Chairman of Land Development Committee reviewing options for specific opportunities
<ul style="list-style-type: none"> Conduct land transactions as directed. 	<ul style="list-style-type: none"> To purchase/sell target properties within schedule and financial requirements. 	<ul style="list-style-type: none"> MBU part of team overseeing Piggabeen Sports Complex land development. Appointed agent to assist in sale of Stage 2. and preparation of Contract of Sale, developer conditions, and Section 88B instrument.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B04. Business Undertakings (Saleyards)
PRINCIPLE ACTIVITY:	3. Business Undertakings
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To facilitate the transfer of operational management to private enterprise and ensure that agreed maintenance and necessary improvements are carried out.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Liaison between Council, industry and operator/ manager of the facility. 	<ul style="list-style-type: none"> Improve communication and input by all parties. 	<ul style="list-style-type: none"> Reporting to Council and liaising with Saleyards Manager as required Recommended reduction in fee level for consignment stock following request from Saleyards Manager and industry
<ul style="list-style-type: none"> Advise Council on matters affecting the Saleyards. 	<ul style="list-style-type: none"> Provide meaningful and timely reports. 	<ul style="list-style-type: none"> Liaison with Saleyards Manager with respect to repairs and maintenance requests
<ul style="list-style-type: none"> Seek to engage qualified party to manage/control the Saleyards 	<ul style="list-style-type: none"> Implement contract management of the saleyards with 'industry' experienced contractor 	<ul style="list-style-type: none"> Executed lease with Town and Country Real Estate in January 2000 for the saleyards. T&E to act as managers.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B03. Business Undertakings (Caravan Parks))
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To manage, develop and promote the Tweed Coast Holiday Parks as an attractive tourist destination using sound commercial practice and providing an appropriate return on investment.

Main Functions	Performance Targets	Performance Report																						
<ul style="list-style-type: none"> Manage the Tweed Coast Holiday Parks Reserve Trust as a discreet operating entity. 	<ul style="list-style-type: none"> Meet budget forecast and achieve all practical goals. 	<ul style="list-style-type: none"> Preparing detailed annual report on operations for submission to the Trust, including a “clean” audit report 																						
<ul style="list-style-type: none"> Develop plans for upgrading parks and improvements within parks. 	<ul style="list-style-type: none"> Deliver a high level of service to end users thus improving occupancy rates. 	<ul style="list-style-type: none"> Further developed proposals on refurbishment/creation of new parks. 																						
<ul style="list-style-type: none"> Undertake professional administration and marketing of the parks. 	<ul style="list-style-type: none"> Deliver a high level of service and meaningful response/plans to end user and the Tweed Reserves Trust. Star ratings of the following Parks are retained:- <table style="margin-left: 20px;"> <tr><td>Boyds Bay</td><td>3.5</td></tr> <tr><td>Fingal</td><td>3</td></tr> <tr><td>Kingscliff North</td><td>-</td></tr> <tr><td>Kingscliff Beach</td><td>3</td></tr> <tr><td>Hastings Point</td><td>-</td></tr> <tr><td>Pottsville Beach Nth</td><td>3</td></tr> <tr><td>Pottsville Beach Sth</td><td>3</td></tr> </table> User satisfaction levels are maintained above 90%. Maintain as a minimum the occupancy levels for the various forms of accommodation at the Caravan Parks viz: <table style="margin-left: 20px;"> <tr><td>On-site Vans</td><td>54%</td></tr> <tr><td>Powered Sites</td><td>40%</td></tr> <tr><td>Tent Sites</td><td>20%</td></tr> <tr><td>Cabins</td><td>69%</td></tr> </table> 	Boyds Bay	3.5	Fingal	3	Kingscliff North	-	Kingscliff Beach	3	Hastings Point	-	Pottsville Beach Nth	3	Pottsville Beach Sth	3	On-site Vans	54%	Powered Sites	40%	Tent Sites	20%	Cabins	69%	<ul style="list-style-type: none"> Monitor operations, capital expenditure and planned maintenance in concert with Parks Supervisor Review marketing program to maintain presence Occupancy levels achieved were marginally down on targets due to inclement weather for the majority of the period
Boyds Bay	3.5																							
Fingal	3																							
Kingscliff North	-																							
Kingscliff Beach	3																							
Hastings Point	-																							
Pottsville Beach Nth	3																							
Pottsville Beach Sth	3																							
On-site Vans	54%																							
Powered Sites	40%																							
Tent Sites	20%																							
Cabins	69%																							

Reports from Director Corporate Services

Economic Development

SUB PROGRAM:	ECONOMIC DEVELOPMENT
BUDGET SUB PROGRAM:	I01. Commerce and Industrial Development and Tourism Promotion
PRINCIPLE ACTIVITY:	2. Economic Development
RESPONSIBILITY:	Director Corporate Services - Ian Carpenter
SUB PROGRAM OBJECTIVE:	To foster economic development and diversification in this Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Act for Council on various boards and committees dealing with economic development and tourism promotion. 	<ul style="list-style-type: none"> Generation of initiatives that promote and encourage positive action. 	<ul style="list-style-type: none"> Attend various meetings as required by Director
<ul style="list-style-type: none"> Review and report on concepts and ideas put forward for consideration. 	<ul style="list-style-type: none"> Provide timely and meaningful analysis to facilitate decision making. 	<ul style="list-style-type: none"> Review Council landholdings with Director of Engineering Services to determine opportunities.
<ul style="list-style-type: none"> Support two independent jointly funded bodies operate in the Shire to promote industrial/ economic development and tourism promotion. 	<ul style="list-style-type: none"> Tweed Economic Development Corporation meets agreed funding criteria and targets. TACTIC meets funding criteria and targets. 	<ul style="list-style-type: none"> Liaison maintained with Chairman of TEDC. Attendance at regional tourism organisation board meetings in progressing tourism in the Shire.

Reports from Director Corporate Services

Financial Services

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A.04, Revenue Control
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Financial Services - Reg Norvill
SUB PROGRAM OBJECTIVE:	To achieve long term financial viability and optimise returns on Council's revenues.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Revenue Policy 	<ul style="list-style-type: none"> Review Management Plan, budget and fees and charges 	<ul style="list-style-type: none"> Reviewed policy updated May 2000
<ul style="list-style-type: none"> Rates Management 	<ul style="list-style-type: none"> Levy Rates on each rateable property and collect rates and charges levied 	<ul style="list-style-type: none"> Rates levied by due dates
<ul style="list-style-type: none"> Provide accurate rate notices 	<ul style="list-style-type: none"> Review rate structure 	<ul style="list-style-type: none"> Completed March 2000
<ul style="list-style-type: none"> Maximise return on investment 	<ul style="list-style-type: none"> Invest surplus funds so as to obtain the most favourable return to Council in accordance with statutory guidelines 	<ul style="list-style-type: none"> Interest relieved on investments reflects competitive returns

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A04. Asset Management/Capital Works
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Financial Services - Reg Norvill
SUB PROGRAM OBJECTIVE:	To assure the efficient use of Council's assets, through the provision of relevant information and advice on the nature and deployment of assets..

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Asset Identification 	<ul style="list-style-type: none"> As required by Code of Accounting Practice 	<ul style="list-style-type: none"> In accordance with LG Code
<ul style="list-style-type: none"> Management Plan Asset Requirements 	<ul style="list-style-type: none"> Complete in Management Plan 	<ul style="list-style-type: none"> New valuations completed by 30 June 2000 30 June 2000

Reports from Director Corporate Services

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A04. Financial Accounting
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Financial Services - Reg Norvill
SUB PROGRAM OBJECTIVE:	To ensure the management decisions of Council are underpinned by quality financial and accounting processes and systems.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Statutory Accounting and Reporting Expenditure and Costing services. Timely and accurate preparation of all financial information. 	<ul style="list-style-type: none"> Statutory requirements for financial information to be met within the specific time permitted. Provide financial statements and key indication reports in accordance with relative statues and organisational requirements. Ensure correct costing of all expenditure to function Council activity centres. To assist client divisions to achieve reliable timely and cost effective financial information advice. 	<ul style="list-style-type: none"> Completed by due dates 4th quarter underway. Costing maintained on a daily basis and is up to date Budget completed for 2000/2001 Interest on new loans 7% Creditors paid on time (75,000 transactions this year).

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A03. Financial Management Grants
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Financial Services - Reg Norvill
SUB PROGRAM OBJECTIVE:	To liaise with Government so as to maximise benefits to Council from Government programs grant and funding arrangements.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Financial Grants Assistance Co-operation 	<ul style="list-style-type: none"> Actively pursue with Federal and State Governments all policy issues that affect Council. Prepare applications for Government funds in accordance with advice regarding community needs. 	<ul style="list-style-type: none"> Applications submitted each month Claims made on all grants

Reports from Director Corporate Services

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	W00. Water Fund - Financial Management
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Financial Services - Reg Norvill
SUB PROGRAM OBJECTIVE:	To achieve long term financial viability and optimise returns on Council's resources.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Revenue Policy • Provide accurate rate notices • Maximise return on investment 	<ul style="list-style-type: none"> • Review Management Plan, budget and Fees and Charges • Levy rates on each rateable property • Invest surplus funds so as to obtain the most favourable return to Council 	<ul style="list-style-type: none"> • Revenue Policy May 2000 • Rates levied by due dates • Interest received on investments reflects a competitive return

Reports from Director Corporate Services

Human Resources

SUB PROGRAM:	CORPORATE SERVICES
BUDGET SUB PROGRAM:	A07. Human Resource Management
PRINCIPLE ACTIVITY:	1. Corporate Services
RESPONSIBILITY:	Manager Human Resources - Joyce Lillyin
SUB PROGRAM OBJECTIVE:	To develop and implement policies, procedures and systems which will maximise excellent practice in the management of Council's human resources.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Policy Development 	Policy <ul style="list-style-type: none"> Develop, publish and implement new policies. Review existing policies. Provide equity in employment practice. 	<ul style="list-style-type: none"> Development of policy initiatives as requested. Advice provided as needed
<ul style="list-style-type: none"> Human Resources 	<ul style="list-style-type: none"> Work with line management to maintain effective and harmonious industrial relations. 	<ul style="list-style-type: none"> Implementation advice provided as required
<ul style="list-style-type: none"> Industrial Relations advice 	<ul style="list-style-type: none"> Co-ordinate formal and ad hoc employee/management consultative processes. Maintain agreed customer service standards. 	<ul style="list-style-type: none"> 3 consultative committee meetings resourced and co-ordinated 3 industrial relations sub-committee meetings resourced and co-ordinated
<ul style="list-style-type: none"> Recruitment & Selection 	Recruitment <ul style="list-style-type: none"> Carry out timely and effective recruitment and selection activities. 	<ul style="list-style-type: none"> 22 vacancies listed 420 position descriptions posted 385 job applications received 22 vacancies filled 3.2% (25) quarter LTO 5.26% (65) ytd LTO
<ul style="list-style-type: none"> Training Delivery & Co-ordination 	Training <ul style="list-style-type: none"> Develop training plans. Develop and deliver in-house training programs for field and office-based staff. Co-ordinate attendance by staff at training course. 	<ul style="list-style-type: none"> Courses developed and delivered as required
<ul style="list-style-type: none"> Occupational Health & Safety Advice 	OHS <ul style="list-style-type: none"> Conduct regular program of safety inspection/audit. Develop and deliver OHS regulation/specific issue training. Reduction in number of workplace accidents. 	<ul style="list-style-type: none"> Inspections carried out on regular basis Workplace Safety Management system under training of staff combined 155 incidents ytd. 148% of target at 100% of year
<ul style="list-style-type: none"> Workers Compensation Administration 	<ul style="list-style-type: none"> Reduction in workers compensation claims. Reduction in hours lost per injury. Reduction in cost per claim. 	<ul style="list-style-type: none"> 67 claims ytd. 118% of target @ 100% of year

Engineering Services Quarterly Report

REPORT FOR THE PERIOD

1 APRIL 2000 TO 30 JUNE 2000

PLANNING & DESIGN

WATER

WORKS

Reports from Director Corporate Services

Water

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	U01. Street Lighting
PRINCIPLE ACTIVITY:	6. Environment
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a safe street lighting system in urban areas to Council's adopted standard at the lowest possible cost to ratepayers.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Street Lighting 	<ul style="list-style-type: none"> Annual Review of Needs 	<ul style="list-style-type: none"> Completed
<ul style="list-style-type: none"> Purchase Energy 	<ul style="list-style-type: none"> Energising of lights installed in previous years 	<ul style="list-style-type: none"> Completed

SUB PROGRAM:	COMMUNITY PROTECTION
BUDGET SUB PROGRAM:	U03. Flooding
PRINCIPLE ACTIVITY:	6. Environment
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To contain the level of potential flood damage within urban areas.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Flood Mitigation Maintenance. 	<ul style="list-style-type: none"> Annual maintenance of flood mitigation works. 	<ul style="list-style-type: none"> Completed
<ul style="list-style-type: none"> Floodplain Management Works <ul style="list-style-type: none"> 4:1 Voluntary Purchase. 2:1 Construction. 	<ul style="list-style-type: none"> Completion of annual program. Completion of annual program. 	<ul style="list-style-type: none"> Completed Carry over to 2000/2001

SUB PROGRAM:	ENVIRONMENT
BUDGET SUB PROGRAM:	U02. Estuary Management
PRINCIPLE ACTIVITY:	6. Environment
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To manage tidal waterways to achieve adopted water quality objectives.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Existing assets. Estuary Management Plan. 	<ul style="list-style-type: none"> Maintain in safe working condition. Implement adopted plan. 	<ul style="list-style-type: none"> Completed within funds available. Ongoing by TRMPAC

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	W10. Water Capital Works Program
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality and reliable water supply that exceeds NHMRC Guidelines.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Maintenance and expansion of system. 	<ul style="list-style-type: none"> Major maintenance and construction works as planned. 	<ul style="list-style-type: none"> Master conveyancing plan completed. Replacement program completed

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	W01., W05. Water Headworks & Treatment
PRINCIPLE ACTIVITY:	11. Business Activity
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality and reliable water supply that exceeds NHMRC Guidelines.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Dams and Weirs. 	<ul style="list-style-type: none"> Maintain Headworks. 	<ul style="list-style-type: none"> Clarrie Hall Dam spillway upgrade Emergency Response Plan completed
<ul style="list-style-type: none"> Water Treatment. 	<ul style="list-style-type: none"> Produce water that exceeds NHMRC Guidelines. 	<ul style="list-style-type: none"> 1996 guidelines implemented

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	W02., W03., W04., W06., Water Conveyancing
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality and reliable water supply that exceeds NHMRC Guidelines.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Water reticulation from plant to consumer. 	<ul style="list-style-type: none"> Positive feedback from continuous customer survey. 	<ul style="list-style-type: none"> Survey not developed
	<ul style="list-style-type: none"> Planned interruptions - customers to receive notification no less than day before. 	<ul style="list-style-type: none"> Achieved generally. One consumer overlooked in April 2000.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	Y06. Laboratory Services
PRINCIPLE ACTIVITY:	11. BUSINESS ACTIVITIES
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality, cost effective analytical service for Council and external clients.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> To provide a high quality testing and analytical service. 	<ul style="list-style-type: none"> Undertake testing and analysis of water and sewerage samples to ensure licence compliance and process efficiency. Actively seek work from external clients. 	<u>Productivity</u> Internal tests 10384 External tests 11123 Total 21507 Reports total 317 Reports < 10 days 48.3% Reports > 10 days 51.7% Effectiveness <u>Total Income</u> = 2.35 Labour Costs

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	Y01., Y02. Sewage Conveyancing
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality and reliable sewerage service adhering to environmental standards at an acceptable cost to customers.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Reticulation of sewage from property outlets to treatment plants. 	<ul style="list-style-type: none"> Efficiently convey sewage to satisfaction of customers. 	<ul style="list-style-type: none"> Achieved.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	Y10. Sewer Capital Works Program
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality and reliable sewerage service adhering to environmental standards at an acceptable cost to customers.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Maintenance and expansion of system. 	<ul style="list-style-type: none"> Major maintenance and construction works as planned. 	<ul style="list-style-type: none"> Strategy reports for each catchment being undertaken to update Capital Works programs.

SUB PROGRAM:	BUSINESS ACTIVITIES
BUDGET SUB PROGRAM:	Y03. Sewer Treatment
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Water - John Henley
SUB PROGRAM OBJECTIVE:	To provide a high quality and reliable sewerage service adhering to environmental standards at an acceptable cost to customers.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Provide high standard of treatment for minimal environment impact. 	<ul style="list-style-type: none"> Tertiary treatment of all sewage collected. 	<ul style="list-style-type: none"> Achieved.

Reports from Director Corporate Services

Works

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T01., T02., T03., T15. Council Roads
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from and within the Tweed Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Road Maintenance. 	<ul style="list-style-type: none"> Provide and maintain a program to ensure each road in the Shire is attended to at least four times per year. 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Road Construction. 	<ul style="list-style-type: none"> To provide a five year rolling plan in accordance with Council's Pavement Management System. 	<ul style="list-style-type: none"> Ongoing

TABLE (I)

The following works have commenced or have been completed to 30 June 2000.

Project	Budget	Actual Expenditure	% Complete
Cooley Street	70,000	48,180	100
Broadwater Esp	215,000	113,024	100
Yvonne Crescent	110,000	107,430	100
Cobaki Road	85,000	90,455	100
Bilambil Road	70,000	39,294	100
Smiths Creek Road	74,000	59,595	100
Mitchell Street	100,000	89,172	100
Fingal Road	350,000	220,926	100
Ducat Street	100,000	94,835	100
Stokers Road	150,000	122,843	100
Clothiers Creek Road	94,812	96,921	100
Carool Road	130,000	140,115	100
Gravel Resheeting	100,000	207,534	100
Concrete Footpaths	48,812	50,000	100
Queen Street	110,000	127,750	100
Lighthouse Parade	130,000	94,608	100
Machinery Drive	110,000	120,615	100
Brisbane Street	150,000	158,659	100
Parkes Lane	155,000	76,827	50

Reports from Director Corporate Services

TABLE (2)

The following expenditures have been incurred under Council's Maintenance Program to 30 June 2000:

(a) Local Roads

Description	\$ Expenditure	\$ Pro rata Budget	\$ Variation
General Maintenance	2,803,169	2,724,000	-79,169
Slashing	124,258	131,000	6,742
Kerb & Gutter	10,842	35,000	24,158
Bridges	109,803	173,000	63,197
Stormwater Drains	250,918	185,000	-65,918
Footpaths	66,353	82,000	15,646
Weed spraying	70,379	72,000	1,621
Reseals	168,722	250,000	81,278
Street Cleaning	168,632	185,000	16,368
Bus Shelters	15,259	16,200	941
Carparks	34,284	37,900	3,616
Roadside Parks	43,449	39,200	-4,249
Urban Rehabilitation	234,278	228,000	-6,278
Life Education Van	2,035	0	-2,035
Streetscape Maintenance	14,242	18,200	3,958
TOTAL	4,116,623	4,176,500	59,876

(b) Regional Roads

Description	\$ Expenditure	\$ Pro rata Budget	\$ Variation
Main Road 7733	29,673	46,400	16,727
Main Road 141	47,337	18,900	-28,437
Main Road 142	260,728	403,900	143,172
Main Road 143	34,609	68,600	33,991
Main Road 399	69,953	112,300	42,347
Main Road 450	538,770	317,200	-221,570
Main Road 541	70,440	87,700	17,260
TOTAL	1,051,510	1,055,000	3,490

Reports from Director Corporate Services

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T04. Bridges
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide and maintain a safe and effective bridge system for the transportation of goods and people throughout the Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Bridges - Maintenance and Construction. 	<ul style="list-style-type: none"> Provide a five year rolling program to replace timber bridges. Provide a program of scheduled maintenance of all bridges. 	<ul style="list-style-type: none"> Ongoing Ongoing

BRIDGE CONSTRUCTION

Project	Budget	Actual	% Complete
Cudgera Creek Bridge	200,000	240,878	100
Sweetnams Bridge	300,000	284,521	100
Fogartys Bridge	200,000	263,353	100
Rowlands Creek Culvert	60,000	141,203	100
Smiths Creek Road	240,000	132,628	40

Reports from Director Corporate Services

SUB PROGRAM:	COMMUNITY PROTECTION
BUDGET SUB PROGRAM:	T05. Drainage
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To minimise property damage by ensuring all built up areas have adequate stormwater drainage.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Management Services 	<ul style="list-style-type: none"> To provide co-ordination of activities within this Budget Sub Program. 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Planning. 	<ul style="list-style-type: none"> Ensure new areas are adequately drained and existing problems are alleviated. 	<ul style="list-style-type: none"> Ongoing

The following drainage projects have been commenced or completed as at 30 June 2000:

Project	\$ Budge	\$ Actual	% Complete
Rosemount Ct	50,000	28,905	60
Pearl Street	15,000	12,922	100
Seaview Street	20,000	37,148	100
Lochlomond Drive	20,000	17,043	100
Tumbulgum Village	70,000	50,607	100
Eyles Avenue	10,000	32,260	100

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T06. Foot & Cycle Ways
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and cyclist movement to, from and within the Tweed Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Foot and Cycle Ways. 	<ul style="list-style-type: none"> Construct a foot and cycle system to link the major area in the urban centres. 	<ul style="list-style-type: none"> Cycleway program 1999/2000 completed.

Reports from Director Corporate Services

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T08. Plant
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a cost effective plant fleet which enables Council to efficiently undertake its capital and maintenance works program.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Plant Operations. 	<ul style="list-style-type: none"> Develop an eight year plan replacement program. 	<ul style="list-style-type: none"> Ongoing

The following plant and vehicles have been purchased to 30 June 2000.

Item	Changeover Cost	
	Budget	Actual
Toro 580D Mower	80000	81065
Truck No 690 Nissan UD	130000	99434
Truck No 746 Isuzu	40000	40408
Additional Ute (Agenda 21 + Rec Services Carpenter	16000	14950
51 Vehicles (cars/wagons)	204,000	231,790
Miscellaneous Plant	40,000	31,063
Brushcutters	25,000	26,640
Mowers	20,000	30,353
Truck No 711 Isuzu	30,000	32,134
12T Hitachi Excavator	160,000	103,175
Volvo 250 Loader	85,000	90,000
2 Toro Mowers	42,000	35,000
Caterpillar Grader	190,000	175,631
Street Sweeper	200,000	221,715
13 IT Utilities	98,000	91,878
2 Ride-on Mowers	18,000	17,774
1 Ride-on Mower	9,000	7,300
5, 4T Crew Cab Tipping Trucks	237,000	226,521
1 IT Ute	8,000	9,000
TOTAL	\$1,632,000	\$1,565,831

Reports from Director Corporate Services

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T09. Depot
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a clean, safe, adequate sized and Budget Sub Program depot for the storage of plant, materials and as a work base for outdoor employees.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none">• Works/Depots	<ul style="list-style-type: none">• Provide future development plan for Murwillumbah and Tweed Heads Depots.	<ul style="list-style-type: none">• Ongoing

Reports from Director Corporate Services

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T10. Quarries
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide sufficient quality materials for Council's road maintenance and construction program.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Operations. 	<ul style="list-style-type: none"> Provide adequate road making material for current and future demands. 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Purchases. 		<ul style="list-style-type: none">

Quarries

The following transactions had taken place in Council's quarries to 30 June 2000.

- Material sold 118,470 tonnes
- Income \$776,112
- Expenditure \$717,762
- Stock on hand 231,250 tonnes
- Value of stock on hand \$1,489,000

SUB PROGRAM:	TRANSPORT
BUDGET SUB PROGRAM:	T07. Car Parks
PRINCIPLE ACTIVITY:	13. Transport
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To optimise traffic flow and pedestrian safety by providing adequate kerb side and off street car parking facilities.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Car Parks 	<ul style="list-style-type: none"> Maintain the existing assets to a set design standards. 	<ul style="list-style-type: none"> Sealing of the car park at Barry Smith Hockey Field has now been completed and line marked.

Environment & Community Services Quarterly Report

REPORT FOR THE PERIOD

1 APRIL 2000 TO 30 JUNE 2000

BUILDING SERVICES

ENVIRONMENT & HEALTH SERVICES

RECREATION SERVICES

Reports from Director Corporate Services

Building Control

PRINCIPAL ACTIVITY:	COMMUNITY PROTECTION
FUNCTION:	Building Control

MANAGER RESPONSIBLE: Manager Building Services - Rick Paterson

FUNCTION OBJECTIVES: To ensure the safety and health of occupants of buildings in the Shire by the control of construction, use and maintenance of buildings and ensuring the structural integrity and efficiency of buildings incorporating principles of ecological sustainable development.

Activities and Actions:

Activity	Performance Targets	Performance Report
<ul style="list-style-type: none"> Existing buildings. 	<ul style="list-style-type: none"> To ensure that during the life of all buildings, the safety of the occupants is adequately provided for. Provide members of the community with certificates and diagrams relative to this program. 	<ul style="list-style-type: none"> Target achieved Complaints received were investigated and remedial orders issued where necessary Target achieved Applications for Building Certificates and other requests for information responded to expeditiously Applications for Drainage Diagrams responded to expeditiously
<ul style="list-style-type: none"> New Buildings. 	<ul style="list-style-type: none"> Regulate building construction through the approval process. Ensure that building construction conforms with approvals issued, by an effective inspection process. Ensure all plumbing and drainage is installed to regulated standards. Development performance criteria to monitor the progress of applications and the inspection process. 	<ul style="list-style-type: none"> Target achieved Building Applications, Development Applications, Construction Certificate Applications and complying Development Certificate Applications assessed and processed quickly and effectively Target achieved Building inspections carried out on request on buildings under construction Target achieved Plumbing and drainage inspections carried out on request for installations Target achieved More performance criteria being developed to respond to needs of new application assessment processes

Reports from Director Corporate Services

<ul style="list-style-type: none">• Integrated Development Assessment Legislation.	<ul style="list-style-type: none">• Implement new legislation from 1 July 1998, with an emphasis on improved customer service.	<ul style="list-style-type: none">• Target mostly achieved• New legislation processes implemented and being refined• New processes developed to provide for Complying Development implemented on 7 April 2000.• Improved customer service has been difficult to provide because of new dual application process introduced in amended Environmental Planning and Assessment Act
--	--	--

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

22. ORIGIN: Planning & Design Unit

FILE REF: GS4/94/149 PT2

REPORT TITLE:

Classification of Land as Operational Greenview Estate Pty Ltd., Piggabeen Road, Tweed Heads West

SUMMARY OF REPORT:

The developers of Greenview Estate, being a subdivision located between Piggabeen Road and the proposed Piggabeen Road bypass at Tweed Heads West, propose to transfer land for the site of a sewer pump station to Council in fee simple.

RECOMMENDATION:

That proposed Lot 31 in the subdivision of Lot 1 DP 837715 at Piggabeen Road, Tweed Heads West, which is proposed to be the site of a sewer pump station, be classified as operational land under the provisions of the Local Government Act, 1993.

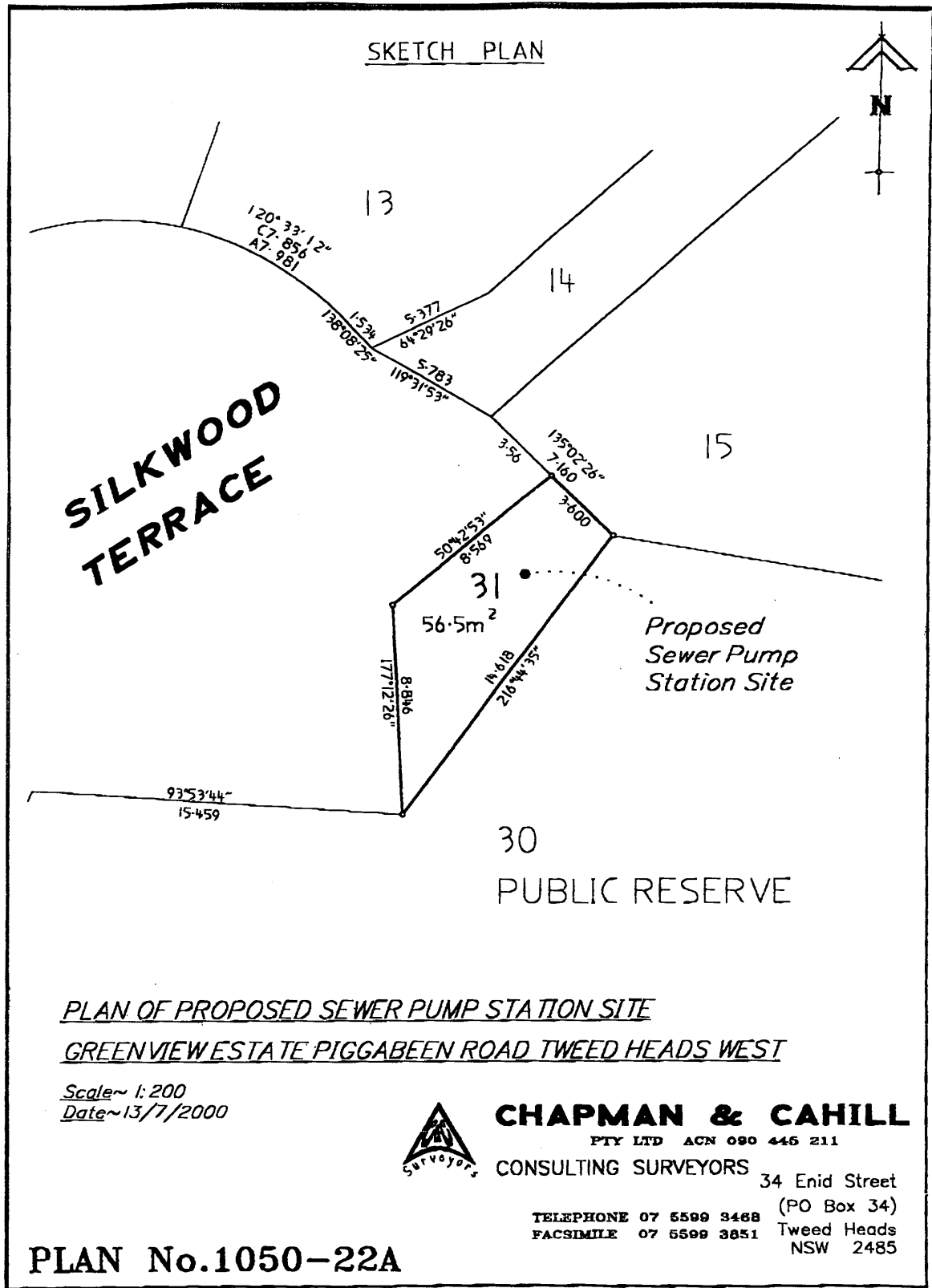
Reports from Director Engineering Services

REPORT:

The developers of Greenview Estate, being a subdivision located between Piggabeen Road and the proposed Piggabeen Road bypass at Tweed Heads West, propose to transfer land for the site of a sewer pump station to Council in fee simple.

The subject land should be classified as Operational under Section 31 of the Local Government Act, 1993.

Reports from Director Engineering Services



Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

23. ORIGIN: Planning & Design Unit

FILE REF: Cycleways – Grants, Cycleways – Tweed Coast

REPORT TITLE:

2000-2001 Cycleways Program

SUMMARY OF REPORT:

The Roads and Traffic Authority (RTA) has offered Council the sum of \$38,000 as a grant for cycleways on a dollar for dollar basis. The cycleway to be funded is part of the Coast Road Cycleway from Bogangar to Pottsville. Council has already allocated \$75,000 towards this project. This makes a total of \$113,000 for this project. It should be noted that it is possible the RTA will further contribute up to another \$37,000 towards the end of the financial year. The work will be between Stingrays sports Field and Pottsville but the exact location will depend on the determination of the current part V applications for the work.

RECOMMENDATION:

That Council:-

1. Accepts the Roads and Traffic Authority (RTA) offer of \$38,000 on a dollar for dollar basis to partially fund construction of the Coast Road Cycleway between Bogangar and Pottsville, and
2. Authorises its expenditure of the Coast Road Cycleway between Stingrays Sports Fields and Pottsville.

Reports from Director Engineering Services

REPORT:

The RTA has offered Council the sum of \$38,000 as a grant for cycleways on a dollar for dollar basis. The cycleway to be funded is part of the Coast Road cycleway from Bogangar to Pottsville. Council has already allocated \$75,000 towards this project.

Reports from Director Engineering Services

24. ORIGIN: Planning & Design Unit

FILE REF: Traffic – Safety, Traffic – Speed Zones

REPORT TITLE:

Neighbourhood Speed Projects

SUMMARY OF REPORT:

The purpose of this report is to inform Council of a successful joint application with Coffs Harbour City Council for a Neighbourhood Speed Project. The project will be funded by the Institute of Public Works Engineering Australia Local Government Road Safety Grant and involves the development of a process for dealing with drivers speeding in local streets.

RECOMMENDATION:

That Council participates in the Neighbourhood Speed Project jointly with Coffs Harbour City Council.

Reports from Director Engineering Services

REPORT:

Council often receives requests from concerned residents stemming from vehicles speeding in their street. Usually the resident requests a lower speed limit or signage to warn motorists of children playing or requests that traffic calming facilities be installed. These issues are usually referred to the Local Traffic Committee for consideration where a reduction in the speed limit is not usually supported and the resources for traffic calming devices are limited.

In most of these cases the majority of drivers who use the street are local residents who live in the neighbourhood.

Road Safety Officers from the Tweed Shire and Coffs Harbour applied for funding from the Institute of Public Works Engineering Australia to develop a project that would aim to achieve an overall reduction in speed by involving the residents themselves in formulating and implementing various agreed strategies.

The first step in the process is to collect base information through a traffic classifier (survey equipment) and a resident questionnaire. This information would then be used to help determine if speed is in fact a real issue and the appropriate strategies (education, encouragement, enforcement and engineering) to be implemented.

Residents who have neighbourhood speed concerns will be asked to make a commitment not to speed in their own neighbourhood and to be involved in strategies to encourage others also to reduce their speed in the neighbourhood.

The grant of \$10, 000 will cover development of resources to be used by both Councils including questionnaires, stickers and newsletters. Council's contribution will be in kind in the form of the Road Safety Officer's time and project administration costs such as photocopies and postage. The grant funding will be administered by Coffs Harbour City Council.

Reports from Director Engineering Services

25. ORIGIN: Planning & Design Unit

FILE REF: GG6/19/1999-2000

REPORT TITLE:

Pedestrian Access and Mobility Plan

SUMMARY OF REPORT:

Council at its April 1999 meeting resolved to apply to the Roads and Traffic Authority (RTA) for a grant to develop a Pedestrian Access and Mobility Plan (PAMP). The application was unsuccessful, however, a further round of grants has resulted in the RTA offering Council a grant of \$10,000 to be matched by Council.

The PAMP would be used as a framework for the allocation of State Government grants for pedestrian infrastructure in the Shire. It is intended that all future pedestrian facilities' funding from the RTA will only be provided for projects identified in the PAMP.

RECOMMENDATION:

That Council:-

1. Accepts the Roads and Traffic Authority (RTA) grant of \$10,000 for the preparation of a PAMP.
2. Allocates \$10,000 from the Traffic Facilities Program to match the RTA grant.
3. Authorises the expenditure of the above funds for the preparation of a Pedestrian Access and Mobility Plan (PAMP).

Reports from Director Engineering Services

REPORT:

The rationale for Pedestrian Access and Mobility Plans (PAMPs) is focussed State and Local Government investment in safe, convenient and coherent pedestrian infrastructure on key pedestrian routes, which have a high probability of attracting people to walk rather than use their cars.. Additionally, PAMPs provide a strategic and coordinated framework for investment in pedestrian infrastructure on routes that have been identified by the community as important to sustainable and enhanced safety, convenience and mobility for walkers.

It is envisaged that a PAMP, as bike plans have done for cyclists, will assist in identifying pedestrian facility projects. It is intended that all future pedestrian funding will only be provided for projects identified in PAMP. This is the same principle as the Bike Plans, and the concept is almost identical except that PAMP will only focus on engineering solutions.

It is expected that the PAMP will be formalising and consolidating plans/information already held by Council. Funding for this work will be on a 50/50 basis.

The provision of pedestrian facilities funding from the Roads and Traffic Authority (RTA) is typically in the vicinity of \$20 000 and matched by Council on a 50/50 basis. Tweed Shire Council has not been allocated funds for pedestrian facilities in the 2000/01 year by the RTA.

The outcome of the PAMP development is the identification of key pedestrian routes , within the study area, which form a coherent pedestrian network. Additionally, an action plan is developed for these key pedestrian routes identifying locations where work is required to ensure that these routes are safe, convenient, coherent and meet current standards. The objective of PAMPs is to enhance pedestrian safety, mobility and access. That is, to develop pedestrian networks which enable pedestrians with and without disabilities to enjoy safe, convenient and coherent independent mobility.

The plans detail pedestrian concentration, centres of activity, identifiable accident clusterings, walking patterns and links between land use, pedestrian facilities, including pedestrian accessibility and mobility issues within a general radius of 1.5km to 2km from these concentrations and also considers recreational walkers.

Council had applied last year to the Roads and Traffic Authority (RTA) for a grant and was unsuccessful. The RTA subsequently have offered Council a contribution of \$10 000 to be matched by Council for the development of a PAMP in the 2000/2001 financial year.

Reports from Director Engineering Services

26. ORIGIN: Water Unit

FILE REF: Southern Boat Harbour, Jetties, Boating Facilities

REPORT TITLE:

Southern Boat Harbour - Commercial Charter Operations

SUMMARY OF REPORT:

A request has been received from the Tweed River Charter Operators Association Incorporated seeking advice on the operation of a temporary office facility adjacent to the public pontoon in the Southern Boat Harbour at River Terrace, Tweed Heads.

RECOMMENDATION:

That:-

1. Council applies for development approval for the operation of a floating office adjacent to the public pontoon at River Terrace, Tweed Heads.
2. Upon receipt of development approval, Council offers a licence at \$1.00/rental for 3 months, and then renewable monthly at Council's sole discretion, to the Tweed River Charter Operators Association Incorporated to manage the operations of the office for the operators, conditional upon Tweed Endeavour Cruises having vacated the jetty.

Reports from Director Engineering Services

REPORT:

Council at its meeting on 15 December 1999 resolved to cancel all tenure arrangements for the public jetty in the Southern Boat Harbour at River Terrace, Tweed Heads as from 1 January 2000. Tweed Endeavour Cruises and Catch-a-Crab, who occupied the jetty, were advised by letter on 21 December of Council's resolution. An immediate response from Tweed Endeavour Cruises highlighted the difficulty with relocating at short notice and the potential impact on local tourism if their operations were compromised. In discussions with the General manager they highlighted the current unavailability of alternative moorings and an extension of one month was granted.

In subsequent discussions and negotiations facilitated by Council with the Department of Land & Water Conservation (DLAWC) both operators were offered moorings at the adjacent finger wharf. By letter of 18 May both Catch-a-Crab and Tweed Endeavour Cruises were advised of notification from the Department of Land & Water Conservation that berths were available on the adjacent Finger Wharf and a response was sought as to when they would vacate the public pontoon. Catch-a-Crab subsequently relocated to a private mooring in late May 2000. Tweed Endeavour Cruises requested further time as they claimed works were necessary on the mooring offered by DLAWC. They have indicated that they are ordering a pontoon for attachment to the new mooring which they claim is essential for staff safety. Such should be available in a few weeks but no date has been forthcoming.

For many years the owners of Tweed Endeavour Cruises (formerly Eyres and now Wright) have operated a floating office for cruise bookings and promotions moored to the public pontoon. There is no record of any approval for such a facility. When advising Tweed Endeavour Cruises to vacate the pontoon they were also advised to remove the 'floating office'.

In recent months discussions have been held with the "Tweed River Charter Operators Association Incorporated" and particularly its new President, Mr Robert Berger, in regard to future development in the Southern Boat Harbour. The desirability of a facility to promote all Charter Operators, was identified. It should be noted that both Catch-a-Crab and Tweed Endeavour Cruises are members of the Association.

The Charter Operators Association have now requested Council's opinion on the operation of a temporary or interim office by letter of 4 July 2000, which is reproduced with this report. The Association is now proposing that it take over the management of the existing office and that it continue to operate either on Council land adjacent to the jetty or, preferably, continue as a floating facility. The proposal to continue the office as a floating facility will be the least expensive until some finality is achieved with permanent wharfage and facilities.

By letter dated 7 August to the General Manager, Catch-a-Crab have raised concerns at the ability of the Charter Operators Association to manage the office so that it operates on a fair and equitable basis. This letter is also reproduced with this report.

This letter also raises the issues that the jetty/pontoon has been dominated by Tweed Endeavour Cruises and that Catch-a-Crab have been waiting for 7 months for Tweed Endeavour Cruises to comply with Council's resolution. The letter omits to note that Catch-a-Crab did not comply with the resolution for 5 months and availed itself of the extensions, granted in good faith.

Reports from Director Engineering Services

Provided that the floating office is managed by the Association, for the benefit of all Charter Operators, the request is considered reasonable and potentially beneficial to the industry. The Association has concurrently been pursuing funding for a large facility at this location that will provide public wharfage as well as catering for charter operators and be consistent with the adopted plan of management for the Southern Boat Harbour.

The alternative is for Council to reaffirm its resolution for all to vacate the public pontoon, within say one month and to authorise the General Manager to take appropriate action if this does not occur.

Reports from Director Engineering Services

TWEED RIVER CHARTER OPERATORS ASSOCIATION Incorporated

Registered No : Y2637413

PO BOX 6689

TWEED HEADS SOUTH NSW 2486

Robert Berger - President
0412 140 298

Len McPherson - Secretary
(02) 6672 3525

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

SETTIES

TWEED SHIRE COUNCIL	
FILE No.	SOUTHERN BOAT HARBOUR
DOCUMENT No.	[] [] [] [] [] []
RECD	- 6 JUL 2000
BOX No.	[] [] [] []
ASSIGNED TO	HENLEY
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Tuesday, 4 July 2000

Attention : John Henley - Manager Water

RE : TRCOA Temporary Office

Dear John,

At a meeting held on Tuesday 27 June 00 the members directed the secretary to approach Council and seek their opinion on the following matter.

Is it within Council's jurisdiction to allow a temporary demountable structure to be placed in a location of Council's choosing in or near the carpark adjacent to the designated public jetty in the Southern Boat Harbour?

If so would the Council give permission for the Charter Operators Association to establish an information outlet from this structure to provide brochures, etc, to the general public. The information held at this facility would primarily be aimed at water based activities but may also be able to house environmental and other local information if relevant organisations such as Council wished to be involved. This would be a temporary situation until funding applications are finalised for the proposed jetty structure, with a permanent office facility, along the lines we have already discussed.

In order to avoid already minimal carparking spaces in the area, an alternative to placing a structure in the carpark would be to allow a temporary structure on a floating facility where the current office for Tweed Endeavour cruises is sitting. This could be the existing structure but placed on a new pontoon arrangement and would be under the control of the Association.

Your opinion in this matter would be greatly appreciated

Yours sincerely,

Len McPherson
Secretary
TWEED RIVER CHARTER OPERATORS ASSOCIATION Incorporated



Reports from Director Engineering Services



7th August, 2000

The General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

Cc: John Henley, Manager Water.

Dear Mr Henley,

I refer to the proposal from the Tweed River Charter Operators Association Incorporated to establish an information outlet aimed at water based activities from a temporary demountable structure either adjacent to the public wharf or on a floating facility where the current office for Tweed Endeavour Cruises is situated.

At a recent meeting of the cruise and charter operators, Tweed Endeavour Cruises offered to donate the floating office to the association for this purpose, however it was on condition that it was leased back to Tweed Endeavour Cruises for 5 years for their exclusive use, in return Tweed Endeavour would hand out members brochures and information but would not take any bookings for other operators.

The establishment of an information outlet if operated by a completely independent body would be of benefit to all, however if appropriate conditions ensuring that the facility is operated on a fair and equitable basis with equal access for all operators and not be either sublet, managed or leased back to a private organization are not put in place, this has the potential to create an uncompetitive and inequitable monopoly for one company.

I refer to council resolution at council meeting of Tweed Shire Council on Wednesday, 15 December, 1999 it was resolved that council cancels all tenure arrangements for the public jetty in the Southern Boatharbour at River Terrace Tweed Heads as from 1/1/2000 and return the pontoon to full public use with no permanent leased mooring. Resolution no C100.

This is a public jetty and is been dominated by Tweed Endeavour Cruises with a business office attached to the public wharf, large signage and a vessel permanently moored across the front of the public wharf. Despite the council resolution, as recently as several weeks ago Tweed Endeavour Cruises filled a new pontoon under the office moored to the public wharf and reconnected power



PO. Box 451, Tweed Heads NSW 2485, Australia.

Ph: (61) 7 5524 2422 Fax: (61) 7 5524 2423 Email: robert@catchacrab.tweed.nsw.gov.au



Reports from Director Engineering Services

and telephone. Has it then already been decided that approval will be given for the Cruise and Charter Operators Association to establish an information outlet and that that outlet will managed and operated by Tweed Endeavour Cruises?

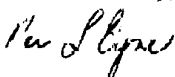
We have expressed our concern to members of council staff by phone, meetings and written on a number of occasions regarding the continued operation of the office, located at the public wharf as it is financially damaging to our business and offers unfair business trading advantages. We have waited for seven months for Tweed Endeavour Cruises to comply with the council resolution in particular with the signage and conduct of business from the public property. Despite complaints being made to various council employees there does not seem to be any progress being made in this matter.

If approval is given by council for this facility to be under the control of the Cruise and Charter Operators Association without appropriate conditions which ensure equal opportunity and fair trading for all members, we urgently request that there is some provision for our company to be invited to tender for the facility under the same conditions.

Perfectour actively competes in the market place with a number of tours and attractions and respects the rights of its competition, we do not ask for any special favours but to be able to compete on a level playing field with equal business opportunity and fair trading practices. The company is recipient of many awards including year 2000 NSW state tourism award for excellence and is internationally acclaimed, however if the company can not gain fair and equal trading opportunities and is discriminated against by providing booking and information facilities for one company either directly or indirectly via the Cruise and Charter Association, it will have no recourse but to seriously consider options of legal action or being forced into removing operations from the Southern Boat Harbour to the Cold Coast.

We ask that you initiate urgent action to implement council resolution to restore fair competition. If council for what ever reason is unable to implement the council resolution then we request that allowance be made for all operators presence on equal terms.

Yours faithfully,



Robert and Lee Eyre

Reports from Director Engineering Services

27. ORIGIN: Planning & Design

FILE REF: Geographical Names Board

REPORT TITLE:

Point Danger Signage (Cook's Point Danger)

SUMMARY OF REPORT:

Twenty-three submissions from the public were received following Council's decision on 19 April, 2000 that:-

"The four options produced by the working group be exhibited for 28 days for comment and drawn to the attention of the Gold Coast City Council; the Committee to bring forward a further recommendation to Council expeditiously."

Twenty submissions rejected the four options and instead endorsed the recommendations by Mr Jack Devery of the Geographical Names Board of NSW.

The Gold Coast City Council, by resolution at its meeting of 4 August 2000, favoured the wording of Option 4:-

"In 1970 the Geographical Names Board of NSW agreed with some historical reviewers who claimed that the headland presently known as Point Danger was not the Point Danger first named by Captain James Cook in May 1770. They contended that Cook's Point Danger was the headland which is now known as Fingal Head which is immediately South of the mouth of the Tweed River.

However, the Geographical Names Board of New South Wales issued this Report 22 October 1998:

"The Board examined the data recorded on Cook's voyage and all submissions made on the location of Cook's Point Danger.

The Board acknowledged that there are differences of opinion on the interpretation of a descriptive account made some 228 years ago. However, the Board unanimously concluded that the point of land, at present named Point Danger, was the feature named and mapped by James Cook as Point Danger in May 1770."

RECOMMENDATION:

That:-

1. The current plaques be removed.
2. Council determines the following options:-
 - a. That the current plaques be not replaced,
 - b. That plaques be placed as displaying the following wording as recommended by Mr Jack Devery of the Geographical Names Board of NSW:-

Reports from Director Engineering Services

“A new plaque be erected at Point Danger Lighthouse as follows:

“REPORT of the GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES

22 October 1998

The Board examined the data recorded on Cook’s voyage and all submissions made on the location of Cook’s Point Danger.

The Board unanimously concluded that this point of land, at present named Point Danger, was the feature which was named and mapped by James Cook as Point Danger in May 1770.

Plaque erected by TWEED SHIRE COUNCIL

2000”

“A new plaque be erected at Fingal Head Lighthouse as follows:

“REPORT of the GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES

22 October 1998

The Board examined the data recorded on Cook’s voyage and all submissions made on the location of Cook’s Point Danger.

The Board acknowledged that there are differences of opinion on the interpretation of a descriptive account made some 228 years ago. However the Board unanimously concluded that the point of land, at present named Point Danger, was the feature which was named Point Danger, was the feature which was named and mapped by James Cook as Point Danger in May 1770.

Plaque erected by TWEED SHIRE COUNCIL

2000”

- c. That a plaque be placed at Point Danger in accordance with the resolution of the Gold Coast City Council (being option 4):-

“In 1970 the Geographical Names Board of NSW agreed with some historical reviewers who claimed that the headland presently known as Point Danger was not the Point Danger first named by Captain James Cook in May 1770. They contended that Cook’s Point Danger was the headland which is now known as Fingal Head which is immediately South of the mouth of the Tweed River.

However, the Geographical Names Board of New South Wales issued this Report 22 October 1998:

“The Board examined the data recorded on Cook’s voyage and all submissions made on the location of Cook’s Point Danger.

The Board acknowledged that there are differences of opinion on the interpretation of a descriptive account made some 228 years ago. However, the

Reports from Director Engineering Services

Board unanimously concluded that the point of land, at present named Point Danger, was the feature named and mapped by James Cook as Point Danger in May 1770."

Note: Unfortunately the first sentence of the statement is incorrect as the 1998 "Cook's Point Danger" report is the only report (regarding Point Danger) that the Geographical Names Board of NSW has adopted!

- d. That plaques be placed at the Point Danger and Fingal Head Lighthouses displaying the following wording:-

"When sailing up the east coast of Australia in 1770, Lieutenant James Cook RN, Commander of His Majesty's Bank Endeavour, named Point Danger and Mount Warning.

Controversy regarding which point of land Cook intended to be Point Danger had led the Geographical Names Board of New South Wales to consider the issue in 1971 and again in 1998."

In 1971 a report submitted by the Counsellors' Committee to, but not adopted by, the Geographical Names Board of NSW concluded:-

"Having examined and reviewed all of the evidence herein submitted relating to the location of the point intended by Captain Cook to be designated Point Danger, it is the opinion of the Counsellors that the name Point Danger was intended by Captain Cook to be applied to that point now designated Fingal Head in the Admiralty Chart, that is, the headland adjacent to the island marked 'Cook !.', and formerly named 'Turtle Island' by John Oxley.

It is further the opinion of the Counsellors that the name was erroneously applied to the headland forming the northern entrance to the Tweed River by Assistant Surveyor James Warner in 1840, and that the error appear to have been perpetuated from that date."

In 1998 the Geographical Names Board of NSW concluded:-

"From an analysis of Cook's private log, the official log of the "Endeavour", Cook's journal and the journals of Cook's Officers and relating that analysis to modern nautical charts and maps of the area, it is suggested that the following conclusions may be drawn:

- 1. It seems reasonably certain that Fingal Head was not considered by Cook to be Point Danger, or any part of Point Danger.*
- 2. It is reasonably certain that the present Point Danger was considered by Cook to be part of his Point Danger, and that it may have been his Point Danger exclusively.*
- 3. There are however, some features of the analysis which indicate that the present Point Danger was not exclusively Cook's Point Danger.*

Reports from Director Engineering Services

There is the possibility that Cook, when he was 8 miles offshore and with no prior knowledge of the local terrain, considered that the southerly arc of coastal hills extending from Point Danger through Razorback to Banora Point was one point, and named this point as his Point Danger.

4. *However, even if the wider interpretation of Cook's Point Danger as proposed in paragraph 3 is accepted it still comes down to the fact that the present Point Danger is the only part of Cook's Point Danger on the coastline.*
5. *It is the opinion of the Geographical Names Board committee, therefore that the present Point Danger is correctly designated.*

However, no claim is made that this analysis "proves" these facts. The Committee acknowledges that there are bound to be differences of opinion on the interpretation of a descriptive account made some 228 years ago."

More details can be obtained at Tweed Shire Council's public libraries.

Reports from Director Engineering Services

REPORT:

A resolution passed at a meeting of Council held on the 17 November, 1999 was rescinded at a meeting held on the 1 December, 1999.

RESOLVED that Council resolution at Minute No 948 in relation to Item 17 of the Meeting held 17 November 1999 being:-

".....that:-

1. The existing plaques at Point Danger and Fingal Head Lighthouses be removed and,
2. A new plaque be erected at Point Danger Lighthouse as follows:

"REPORT of the GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES

22 October 1998

The Board examined the data recorded on Cook's voyage and all submissions made on the location of Cook's Point Danger.

The Board unanimously concluded that this point of land, at present named Point Danger, was the feature which was named and mapped by James Cook as Point Danger in May 1770.

Plaque erected by TWEED SHIRE COUNCIL

1999"

3. Gold Coast City Council be given the opportunity to co-author the plaque at Point Danger.
4. A new plaque be erected at Fingal Head Lighthouse as follows:

"REPORT of the GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES

22 October 1998

The Board examined the data recorded on Cook's voyage and all submissions made on the location of Cook's Point Danger.

The Board acknowledged that there are differences of opinion on the interpretation of a descriptive account made some 228 years ago. However the Board unanimously concluded that the point of land, at present named Point Danger, was the feature which was named Point Danger, was the feature which was named and mapped by James Cook as Point Danger in May 1770.

Plaque erected by TWEED SHIRE COUNCIL

1999

be rescinded."

Reports from Director Engineering Services

A report and recommendation presented to Council at its meeting held on the 15 December 1999 was deferred pending a report from an informal Sub-Committee comprising Councillors Boyd, Brinsmead, Luff and James.

Subsequently, at the meeting of 19 April, 2000, the minutes and recommendations from the Sub-Committee were presented for Council's determination:-

“RESOLVED that:-

- 1. The four options produced by the working group be exhibited for 28 days for comment and drawn to the attention of the Gold Coast City Council; The Committee to bring forward a further recommendation to Council expeditiously.*
- 2. As well as making a decision on the wording of any summary for a plaque, Council should consider using photo anodised aluminium signs to install a longer text with more detail including a reference to historical materials in Tweed Heads Library.”*

The four options were exhibited for public comment with 23 submissions being received.

Twenty submissions rejected the four options and instead endorsed the wording for the plaques as recommended by Mr Jack Devery of the Geographical Names Board as presented to Council on 17 November, 1999

A meeting held by the Gold Coast City Council on the 4 August, 2000 resolved that:-

- “1. That Tweed Shire Council be advised that Council favours Option 4 for the wording of the historical plaque at Point Danger as it is considered that its succinct summary of the history of this matter and a concise statement reflecting the present views of the Geographical Names Board of New South Wales.*
- 2. That Mr Stafford be advised of Council's decision..”*

Reports from Director Engineering Services

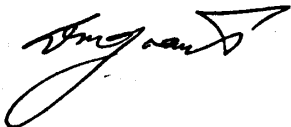
Cook's Point Danger

FOREWORD

The question of the precise location of Captain James Cook's "Point Danger" was referred to the Counsellors' Committee of the Geographical Names Board some thirty years ago. Most of the evidence taken into consideration at that time was documentary evidence from contemporary and later sources containing observations on the location of the feature known as "Point Danger". A good deal of weight was given at the time to the survey which was carried out by Surveyor Warner in the vicinity of Point Danger, and to an apparent discrepancy in the precise location of the feature recorded as "Point Danger" in Surveyor Warner's survey plan.

While some reference was made in the original Counsellors' Report to the evidence available in the 'Endeavour' journal of Captain Cook, the present Committee, which was appointed by the Board to investigate this matter, made much more extensive reference to the relevant logs and journals of other officers and crew of the 'Endeavour', and these have tended to confirm the view of the present Committee that Cook's "Point Danger" is the feature which now bears that name. However, it should be emphasised that Cook did not have the advantage of modern day technology. Neither did he land in the vicinity of his Point Danger to further ascertain the relationship of local features. He was indeed the compleat global navigator and pushed contemporary science to its limits. The expectations of the positional accuracy of features by modern society far exceeds the capability, purpose or intent of Cook's explorations.

Comparatively little evidence based upon maritime observations, or upon the knowledge and experience of naval personnel and fishermen experienced in navigation in the vicinity of Point Danger, was available to the early Counsellors' Committee at the time of the compilation of their report for the Geographical Names Board. Since that time, a considerable volume of additional evidence has been submitted to the Board by both naval personnel and local fisherman, some of whom have made their own observations at sea on the track of the 'Endeavour' in the vicinity of Point Danger, taking into account an intimate knowledge which they possess of the ocean currents, ocean depth and coastal features. Their views, and the evidence furnished by many additional interested persons, were recently taken into consideration by the members of the Committee of the Geographical Names Board when they recommended that the name of "Point Danger" was intended by Captain Cook to be given to the feature which now bears that name at the northern entrance to the Tweed River.



Professor DM Grant AM
Chairman,
Geographical Names Board of New South Wales

Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

28. ORIGIN: Planning & Design Unit

FILE REF: R0680 Pt2

REPORT TITLE:

Border Marker Project - Progress Report

SUMMARY OF REPORT:

Council has agreed to participate in a joint project with Gold Coast City Council to mark the State Border near Wharf Street with a suitable monument to commemorate Federation and contribute to tourism and the recently developed streetscape there. The time frame is very limited. To obtain the grant available an urgent commitment to the most favoured of the available options is required.

RECOMMENDATION:

That Tweed Shire Council advises Gold Coast City Council that:-

1. Council supports the awarding of the design and construction contract for a Border Marker at Wharf Street to Mr. Rodney Spooner in accordance with his concept proposal; such contract to be negotiated, awarded, funded and managed by Gold Coast City Council, providing Tweed Council remains fully apprised through a Steering Committee of the details of the monument as they are developed.
2. Council has no objection in principle to the awarding of a contract for a Border Marker as described above, and its placement partially within the Tweed Shire, providing appropriate development consent is obtained prior to work commencing, and
3. Council will participate in equitable joint funding of ancillary access lighting and landscaping works for the project, subject to receipt of detailed designs and estimates for the work (works in kind to be included in contributions.) Given that budgets are already adopted for the current financial year, both Councils will actively pursue corporate sponsorship for this component.

Reports from Director Engineering Services

REPORT:

At its meeting of 22nd September 1999 Council resolved to join with Gold Coast City Council in recruitment and selection of a suitable designer for the Border Marker Project – a monumental structure to symbolize both the line of separation and the spirit of cooperation between the Twin Towns, on the anniversary of Federation. Located in Boundary Street immediately east of the Wharf Street roundabout, it was to replace the old (much photographed) pool and ornamental bridge removed due to its unsafe condition prior to recent business neighbourhood rejuvenation. The project was to be largely financed from a Centenary of Federation grant of \$100,000 applied for through the Queensland Government. From the public submissions received and registered artisans lists, a short list of eligible designers was developed and three of these were eventually briefed to submit preliminary concept designs for consideration. Tweed Council contributed \$3000 toward the costs of this process, which was administered by Gold Coast City under the auspice of a committee consisting of elected members and staff of the two Councils, plus representatives of the Twin Towns Services Club.

The three received concepts were incorporated in the grant application documents.

In March 2000, Gold Coast City was advised by the Queensland Premier Mr Beattie, that a grant had been awarded, to be spent largely in accordance with the submission, but the grant was to be limited to \$50,000, rather than \$100,000 as originally sought. Furthermore, the project covered by the grant must be ready for the opening ceremony on 15th January 2001, and demonstrably so, before money is advanced. These conditions clearly invoked some urgency if the two Councils were jointly to take advantage of the grant before the offer was withdrawn.

Because its brief was fulfilled, the former Border Marker Committee is considered by Gold Coast Council to have been disbanded, and a new leaner committee of senior staff from both Councils was convened to expedite matters. At a meeting on 4th May 2000, this Committee reviewed the three developed concepts against the reduced grant. It expressed a preference for the proposal by Rodney Spooner as being the best of the three – although some serious reservations were entertained in regard to scale and cost. Consequently, no formal minute of endorsement was given to any proposal on the day. However imminent presentation of creative design studio work in progress on this topic by landscape architecture students at the QUT offered an unexplored alternative, and a choice was then left in abeyance pending this event. However Gold Coast City design staff have since advised that whilst much originality was displayed, none of the QUT proposals presented lent themselves practically to short term affordable implementation.

This left the project somewhat without direction. Furthermore the Gold Coast City Coordinator resigned in the interim.

In order to advance the project, Gold Coast's new Urban Design Coordinator Mr. Phillip Follent convened a meeting of some former Committee members considered to be representative of the two Councils on 1st August, 2000. This included Cr. Bronwyn Luff (the appointed member to the former committee), Manager Planning and Design Don McAllister, Art Gallery Director Gary Corbett, Ag. Main Streets Coordinator Ms. Patricia Jacobsen, and their Gold Coast City counterparts, as well as Mr Peter Turner representing the Twin Towns Services Club.

The meeting once more revisited the three commissioned options and finally concluded that it unanimously supported a scaled down version of the Rodney Spooner proposal as the preferred,

Reports from Director Engineering Services

(and indeed, only feasible) option for the Councils to pursue within the diminishing time frame remaining. The scaled-down Spooner proposal is essentially four thick triangular plates each about 3m x 8m standing on their short edge in two pairs, leaning towards a common apex over the borderline. The state initials are displayed externally and historical and interpretive panels are placed on the accessible inner faces. The meeting supported the Spooner option because of its simplicity, unity, bold character, inherent "border" statement and attractive photo-opportunity. Furthermore, after taking into account the public submissions, consultation outcomes, and project goals, it had been the most highly ranked by the previous Border Marker Committee. The meeting decided that if Tweed Council agreed, the most expeditious course for meeting the conditions and deadlines would be for Gold Coast City, who are the recipients of the grant, to assume sole carriage of the monumental component of the project and commission its design and construction. The two Councils would then jointly complete the ancillary access, lighting, and peripheral works. Finance for the latter would be shared on an equitable basis with possible concurrent pursuit of some corporate sponsorship.

On the 8th August 2000, the Manager Planning and Design met on-site with the favoured designer Rodney Spooner, Gold Coast City's Urban Design Coordinator Phillip Follent, and southern ward Gold Coast Councillor Ms Sue Robbins. (Cr. Luff was unable to attend due to prior commitments). Mr. Spooner indicated he could indeed reduce the dimensions of his proposal, yet maintain the vision. On viewing the model and illustrations, Cr. Robbins expressed her strong support for the Spooner option, and her hope for Tweed Council endorsement within a time frame permitting its realization. Naturally Tweed Council development approval under Part 5 of the EP&A Act would be required prior to commencement of work, but Council could give its approval in principle for the Border Marker Project to proceed on the NSW side of the border on the terms and conditions above, and provisional permission for a Gold Coast City appointed contractor to occupy the site when NSW planning approval was obtained.

Given the very limited remaining options for taking advantage of the Federation Grant, the above approach is recommended.

Reports from Director Engineering Services

7 August 2000
 Mr Philip Follent
 Nerang Office
 (07) 5582 8820
 FN251/48/25(P1)

Manager Planning & Design
 Mr Don McAllister
 Tweed Shire Council
 PO Box 816
 MURWILLUMBAH 2484

DRAFT ONLY

Dear Sir

**STATE BORDER MARKER
 SEEKING TWEED SHIRE COUNCIL FUNDING**

The project funding from the Centenary Federation allocation is \$50,000 - half the amount sought in the Joint Committee's formal funding application for the construction and installation of a Border Marker.

Sponsorship monies are being sought to subsidise the construction of the Marker, which, because of GST impact and increases in building costs, will exceed the grant and requires approximately \$70,000 to be finished and illuminated to an appropriate standard.

Ancillary works are also needed and include the demolition of paths, relocation of services, landscaping etc. These imminent costs are anticipated to be approximately \$40,000. We propose that these costs be equally shared by each Council and that some of the work could be paid for in kind.

The current project costings are as follows:

Proposed Income	Anticipated Expenditure
Grant	Marker
Sponsorship	\$50,000
Tweed Shire Council	██████████
Gold Coast City Council	\$30,000
Gold Coast City Council	\$30,000
Gold Coast City Council	\$7,000
	Council Landscape & Site Works
	\$40,000
	Event Staging & Publicity
	\$7,000

You will note that the major component of the project cost is funded via the Centenary of Federation Grant

Both Councils have each to date contributed \$3,000 toward the commissioning of the design. This contribution is excluded from the on-going costs listed above.

We respectfully request that Tweed Shire Council continue to support this important Centenary of Federation project.

We look forward to your early reply.

Yours faithfully

Warren Rowe
DIRECTOR PLANNING ENVIRONMENT & TRANSPORT

L:25m011.Doc

Cr Lynne F Beck, Mayor
 'Clovehdale'
 TYALGUM 2484
 Home (02) 6679 3204
 Council (02) 6672 0401
 Fax: Home (02) 6679 3204
 Council (02) 6672 0429
 Email: mayor@tweed.nsw.gov.au

26 October 1999

Ms Libby Anstis
 Queensland Community Assistance Program Manager
 Centenary of Federation Queensland
 Federation House
 95 William Street
BRISBANE 4001

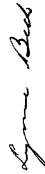
Dear Ms Anstis

Application for Community Assistance Program Marking the State Border - A Joint Proposal by the City of Gold Coast and Tweed Shire Councils

The Tweed Shire Council is very pleased to join with the Gold Coast in the project to erect a marker on the border of New South Wales and Queensland. It will be a lasting memorial and will not only be a tourist attraction but a reminder of the historical links between our two States.

Our two committees and staff will continue to work together for the completion of this project and we look forward to a memorial of which we can be proud.

Yours sincerely



Councillor Lynne F Beck
MAYOR

CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
 PO BOX 816, MURWILLUMBAH NSW 2484
 TELEPHONE: (02) 6672 0400 - FAX: (02) 6672 0429
 WEBSITE: <http://www.tweed.nsw.gov.au>



Reports from Director Engineering Services

STATE BORDER MARKER - COOLANGATTA / TWEED HEADS

UPDATED BRIEFING FOR DEVELOPMENT OF DESIGN CONCEPT

7 AUGUST 2000

This brief has been prepared as a result of input received from the Joint Committee on 1 August and also from the Gallery Managers of Tweed Regional Gallery and Gold Coast City Art Gallery.

The concept design prepared by Rod Spooner in October 1999 is now to be developed. The following issues are also to be addressed in this design development stage:

- The overall scale implied by the concept design is to be maintained.
- Visibility from a moving vehicle.
- Texture and light reflective nature of the surface to be appropriate to its setting.
- Surfaces are to resist vandalism, unsightly weathering and any abrasion of skin and clothing.
- Colour to be resolved.
- Historical information should not be illustrated as prints on vinyl. An alternative medium is to be proposed.
- A paved surface around the base of the structure.
- Water shedding off the structure.
- Paving levels and profile surface to accommodate uneven ground plane.
- Install appropriate flood lighting of the structure and internal lighting
- Safety and health issues, eg avoidance of spaces which may harbour anti-social activity.
- Preparation of design development drawings and model and detailed written description of Scope of Works.
- Confirmation of overall costing of the project design fabrication and installation.

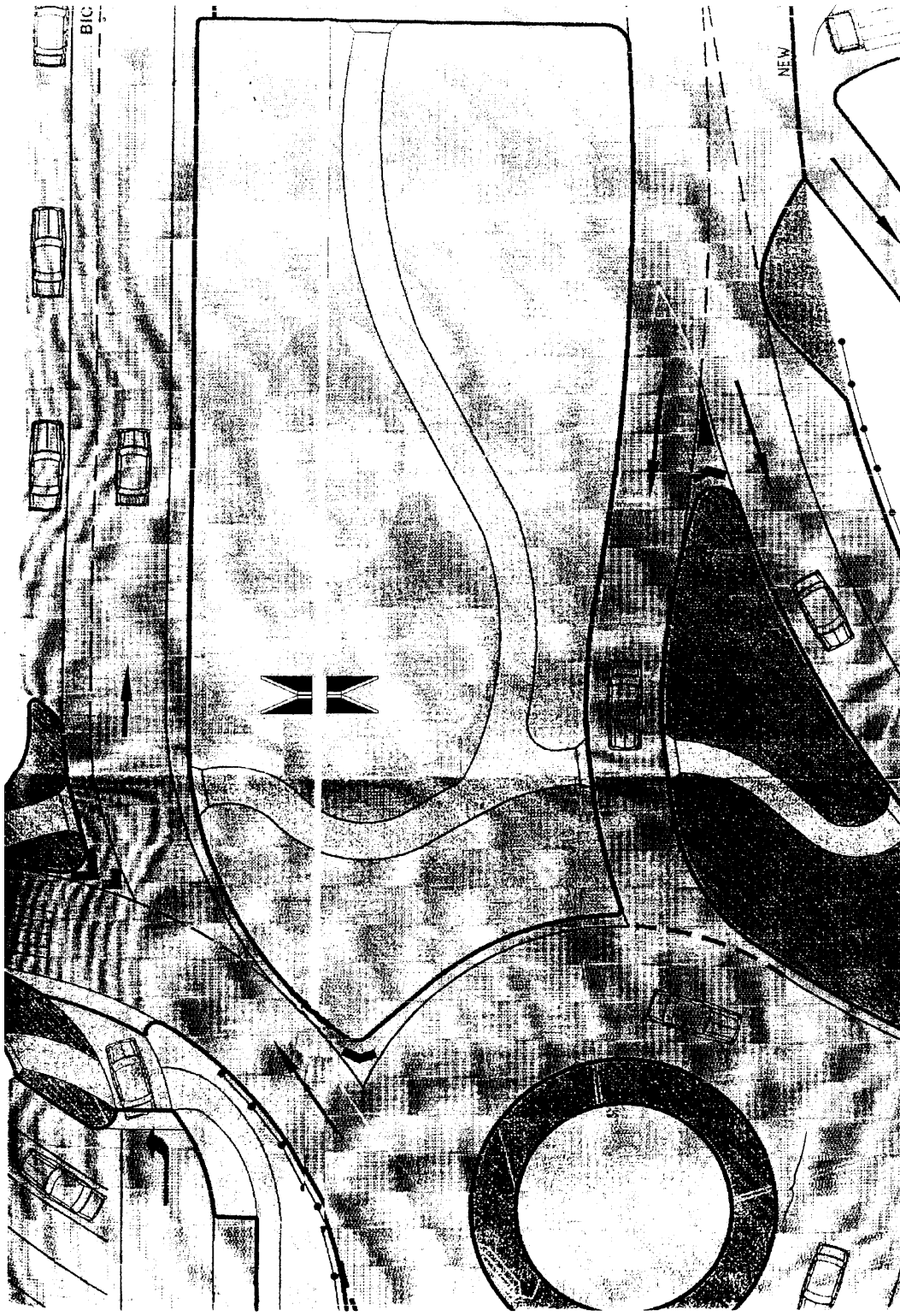
Items expected to be undertaken by Councils:

- Removal of and relocation of existing palm tree and turfing where necessary.
- Demolition of paving where appropriate.
- Demolition of current concrete border line.
- Removal of round about fencing and replacement with low-level dense hedging.
- Removal and/or relocation of power pillar.
- Removal of light post and light fittings.
- Removal of and possible relocation of up to three (3) bollard lights.
- Landscaping beyond.

Reports from Director Engineering Services



Reports from Director Engineering Services



Note that clear colour copies of the drawings will be available at the meeting.

Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Environment & Community Services

29. ORIGIN: Recreation Services Unit

FILE REF: Parks - Naming

REPORT TITLE:

Naming of Park in the New Seagulls Estate - "The (Uncle) Jack Smith Park"

SUMMARY OF REPORT:

Council has received a request from Villa World Limited to name a park area within the New Seagulls Estate, Tweed Heads West, "The (Uncle) Jack Smith Park".

RECOMMENDATION:

That Council calls for comments regarding the naming of a park in the New Seagulls Estate, West Tweed heads, "The (Uncle) Jack Smith Park" as per Council's naming policy.

Reports from Director Environment & Community Services

REPORT:

Council has received a request from Villa World Limited to name a park area within the New Seagulls Estate, Tweed Heads West, "The (Uncle) Jack Smith Park". The letter is reproduced as follows:-

"With reference to the above we hereby seek Council's approval to name the (100% complete) 2000m² approx. park area within our new estate "The (Uncle) Jack Smith Park". The name would be etched into ½ sculptured log on two posts (Griffith Table Craft) and erected on park corner as indicated on attached plan.

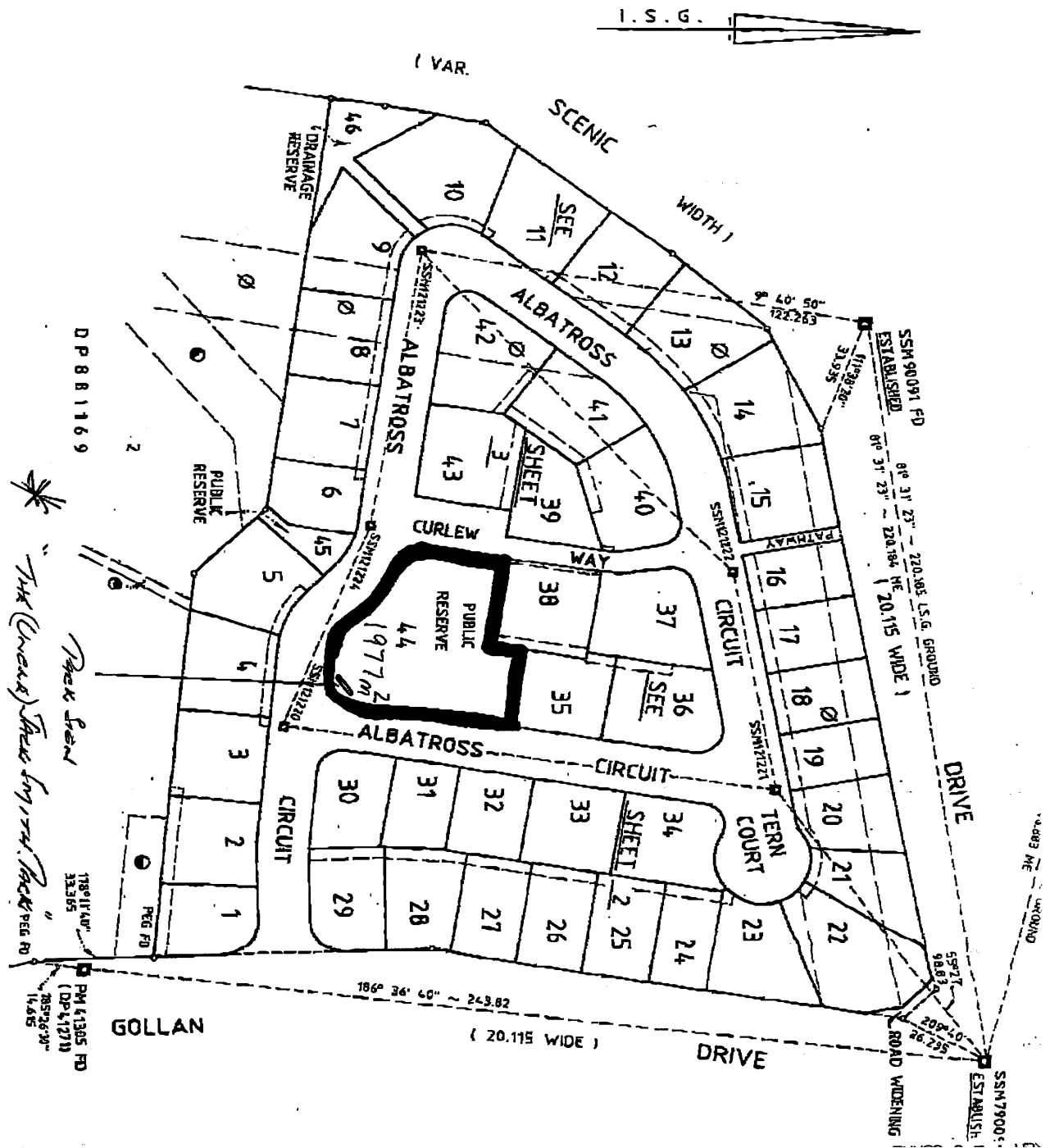
Approximately 800m² of this park is part of the original Seagulls Rugby League Football Field. Hence the tribute (signage) to Jack Smith the long time curator of same and well-known local identity. Jack currently resides at Piggabeen.

We are also proposing a small plaque (approx. size 200mm x 300mm) to complement the park sign.

Subject to your approval we have scheduled the park to be officially opened by Mayor Lynne Beck on the morning of 23rd or 24th August 2000.

Your earliest consideration to this matter would be greatly appreciated."

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

The wording for the proposed plaque, which outlines the history of Robin John Smith and the justification for the naming of the park is as follows:

ROBIN JOHN (UNCLE JACK) SMITH

This is dedicated to Robin John (Uncle Jack) Smith, Life Member and stalwart of Seagulls Rugby League Football Club. Uncle Jack coached juniors for years at the Recreation Street Club in the 50s and 60s and participated in any way he could to raise funds or to generally help out. He was described by friends as being “married to Seagulls”.

As Head Groundkeeper for seventeen years at the Gollan Drive premises of Seagulls Rugby League Football Club he helped create the ultimate Rugby League playing surface at Seagulls Stadium which was previously located on this site. Often referred to as the “Botanic Gardens” due to strict rules regarding usage, the Seagulls Stadium playing surface was one of the best ever used by a Rugby League team. Legend says Jack was often seen on the ground trimming the edges by hand with scissors.

Council’s Public Reserves – Naming Policy states:-

- a) Public reserves should be given names of historical and/or Aboriginal significance or names of eminent persons, past or present may be used.
- b) Proposals for naming public reserves shall be advertised for 21 days for public comment.

This proposal is consistent with other reserves named within the Shire. Therefore it is recommended Council calls for comments regarding the naming of a park in the New Seagulls Estate “The (Uncle) Jack Smith Park” as per Council’s naming policy.

Reports from Director Environment & Community Services

30. ORIGIN: Environment & Health Services Unit

FILE REF: Dog Pound

REPORT TITLE:

Friends of the Pound

SUMMARY OF REPORT:

A group called "*Friends of the Pound* " has recently been formed, the members of which are interested in improving customer service and animal keeping practices at Council's Stotts Creek Pound.

Members of the Group propose to assist Council officers by providing volunteers at the Pound facility for a number of additional hours each week, thereby increasing the opportunity for animals to be re-housed rather than euthanased. A range of other possible activities will also be pursued.

Officers believe that the offer of volunteer assistance to improve services at the Pound is one of generosity which should be approved by Council.

RECOMMENDATION:

That Council approves the proposed operations of the Friends of the Pound Group as outlined in this report.

Reports from Director Environment & Community Services

REPORT:

A group called Friends Of The Pound has recently been formed, the members of which are interested in assisting to provide a higher level of care and increase animal re-housing rates from Council's Stotts Creek Pound. The group is made up of individuals who are interested in animal welfare, improving animal keeping practices and increasing the numbers of animals which are re-housed from the Pound.

Several Councillors are believed to have been instrumental in formation of the Group and its goals.

Eventually the group proposes to become quite active in operational issues at the Pound such as exercising animals and identifying new homes for animals. These are very positive steps in improving animal keeping practices at the Pound at a nil labour cost to Council.

The group has already arranged for painting of the Pound at no cost to Council. The offer for volunteers to assist with Pound duties and improve current service is a generous one, which should be supported by Council where ever possible.

Initially, members of the group propose to assist Council officers by providing volunteers at the Pound facility for a number of additional hours each week, thereby increasing the opportunity for animals to be re-housed rather than euthanased. It will also provide additional opportunity for the public to visit the facility and find out information about individual animals held there.

It is proposed that the members of the group will attend the Pound on Wednesdays and Saturdays initially, between 10 am and 2 pm, which compliments the existing attendance times.

Given the proposed involvement of volunteers, it is necessary that activities of Friends of the Pound be an approved program of Council for relevant policies to be applicable. Officers believe that provided training and liability issues are adequately addressed, particularly in relation to active participation at the Pound such as exercising and handling dogs, then the initiative should be actively pursued.

Reports from Director Environment & Community Services

31. ORIGIN: Recreation Services Unit

FILE REF: Regulatory Signs

REPORT TITLE:

"No ball games" Sign - Council Reserve, Ibis Court, Kingscliff

SUMMARY OF REPORT:

Council has received two requests to erect "*no ball games*" signs in a Council reserve in Ibis Court, Kingscliff. The requests have arisen due to the recent use of the park for the kicking of footballs, resulting in the balls entering neighbouring properties, hitting houses, destroying gardens and creating conflict as the properties are entered to retrieve the ball.

RECOMMENDATION:

That in the Council Reserve off Ibis Court, Kingscliff as identified in Figure 1 of this report, Council:-

1. Erects a "*No ball games*" sign;
2. Erects a sign symbolising no riding of motorcycles.

Reports from Director Environment & Community Services

REPORT:

Council has received two requests to erect "no ball games" signs in a Council reserve in Ibis Court (Figure 1). The letters (and a copy of a letter to the Police) are reproduced as follows:-

BLUE JAY CR. 2/1 IBIS COURT

TWEED SHIRE COUNCIL
 FILE NO. REGULATORY SIGNS KINGSLIFF 2487
 DOCUMENT NO. [] [] [] []
 REC'D 19 JUL 2000
 REC. NO. [] [] [] []
 ASSIGNED TO: CRAWLEY S
 HARD COPY IMAGE

17-7-2000

PARK RANGER
SHIRE COUNCIL

DEAR SIR,

LATELY THERE HAS BEEN ADULTS AND CHILDREN KICKING A FOOTBALL IN THE RESERVE NEXT DOOR AND OPPOSITE BLUE JAY CRESCENT.

I AM CONCERNED MY WINDOWS MAY BE BROKEN AND THE DAMAGE IT DOES TO MY GARDEN WHEN THE BALL COMES OVER THE FENCE, IT ALSO DAMAGES THE COUNCIL PLANTS AND SHRUBS, I REQUEST THAT COUNCIL ERECT A SIGN FORBIDDING BALL GAMES IN THE RESERVE

YOURS FAITHFULLY
Robert L Birch

The diagram shows a street layout. At the top, a curved road is labeled 'BLUE JAY'. Below it, a horizontal road is labeled 'IBIS COURT'. To the left of Ibis Court is a road labeled 'LORREN WAY'. To the right of Ibis Court is a road labeled 'MONARCH ST'. Between Lorren Way and Monarch St, there is a rectangular area labeled 'COUNCIL RESERVE'.

Reports from Director Environment & Community Services

Arthur & Joyce Watt
12 Ibis Court,
KINGSCLIFF NSW 2487
1st August, 2000

Tweed Shire Council
Parks and Gardens Office,
Tumbulgum Road,
Murwillumbar, NSW 2484

Dear Sir,

A FORMAL COMPLAINT

I Live at the end of Ibis Court Kingscliff, adjoining the small childrens playground and park running down into the tunnel under Elrond Drive.

Over the past month we have had a gang of 12 to 16 year old boys hanging around the small childrens playground, scarring off all small children who wish to come and play in the playground and kicking full-sized foot balls in this area, each afternoon and all weekend. The result being that the balls bang against my house and to date I have been very luckily not to have had a window broken. The balls are constantly coming in my yard and have broken several of my plants. The boys also vault my fences and land in my gardens and break my plants down to retrieve their balls.

I have a melanoma in my eye and as a result very poor health. The constant booting or riding of motorising bikes through my yard and this park area and constant invasion of my property is very stressful for me and I can get no rest.

Last weekend I asked the boys to leave my property and they refused with a barage of gutter language I had to call the police.

Reports from Director Environment & Community Services

2

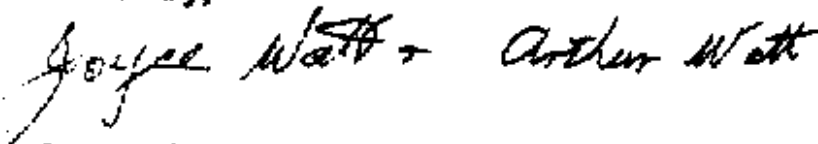
This is a formal complaint and my husband and I wish that SIGNAGE BE ERECTED to state that NO BALL GAMES OR MOTORISED BIKES be allowed in this area. Also that THIS PARK IS FOR SMALL CHILDREN UNDER THE AGE OF 8.

A copy of this letter will be sent to the Mayor, Lynn Beck and other councillors.

PLEASE ACT ON THIS LETTER as my husband and I cannot tolerate this invasion of our lives by these louts any longer.

If there is a sign, the police then can take action against these louts, as they are then breaking the law.

Yours truly,



Joyce and Arthur Watt.

Copy to
Mayor Lynn Beck
Mr Bob Brinsmead
Mr. Warren Polgrave
Mr. Bruce Graham

Reports from Director Environment & Community Services

ARTHUR WATT

12 Ibis Court
Kingscliff
N. S. W. 2487
P H 0266744415
0427660042

To Kingscliff Police

On the 18th June at 8 pm the top of the drive way light was unscrewed and thrown from the bottom of our drive way against the garage door. Hitting the door on the full which scratched it, two kids were seen running along the path toward Ioriau way my son gave chase but could not catch them. A piece of timber was found along side the light it was 50mm wide x 50mm high x 900 mm long.

Another time on the 2nd of July the light was broken from the pole which the base plate was glued to the pole and they were ripping at the wiring which runs on 240 volts trying to smash the light.

29th July, 2000

In the late evening about six boys, ages ranging from about 11 years to sixteen old they were playing with two full size soccer balls every time it went over any body's fence they would just hop over the fence and retrieve it for themselves without asking and when it came into my yard they would just

Kick it from their I told them to go away as this playground was just for young children and people walking through and they could not see anyone coming and could seriously hurt someone. They just told me it was public property and they could do what they liked when their ball came over again into my yard smashing one of my plants I picked up the ball and took it inside they stated that I was stealing it I told them that the police were coming and I would give it to them as it was in my yard and had smashed my plants. The police came and I gave them the ball and told them about the ton of check that they had been giving me and they told me that unless the council put up signs stating that no ball games were to be played in this park they could go ahead and if anyone was hurt it was between the council and the injured party. They also told us that unless the council erected signs

Reports from Director Environment & Community Services

that no motorised bikes were to be ridden they could do nothing until they came out onto the road without the bike being registered and then they could do something. In the meantime they advised us to pursue the matter with the council, as they were the responsible party.

Copy of notation on the 18th JUNE AND THE 2ND OF JULY 2000 given to Kingscliff Police.

Reports from Director Environment & Community Services



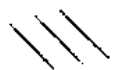
 **SUBJECT PARK**

FIGURE 1

Reports from Director Environment & Community Services

COMMENT

The subject reserve consists of an expanded section of the West Kingscliff Drainage Scheme approximately 1675m². Section of this reserve contains play equipment and it is bordered by several houses (Figure 1).

In the past Council has resolved to erect “no ball games” signs in similar circumstances. At its meeting held 3 June 1998 Council resolved to retain the “No ball games” sign in Thomas Needen Park (reaffirmed 21 June 2000). Thomas Needen Park is 1847m².

At its meeting held 3 March 1999 Council endorsed a “No ball games” sign for a reserve on the corner of Terranora Parade and Coral Streets, Bilambil Heights being 607m².

In addition to the “No ball games” sign, one of the above letters requests “No motorised bikes” and “This park is for small children under the age of 8” signage.

Whilst a sign symbolising no riding of motorbikes may be appropriate for this area, signs limiting age usage is not.

Therefore, with consideration to the size of this area, the fact it is bordered by residents and the issues identified in the above letters it is recommended that in the Council reserve, off Ibis Court, Kingscliff as identified in Figure 1, Council:-

1. erects a “No ball games” sign;
2. erects a sign symbolising no riding of motorcycles.

Reports from Director Environment & Community Services

32. ORIGIN: Environment & Health Services Unit

FILE REF: Pre school - Joeys Pouch

REPORT TITLE:

Joeys Pouch Educational Childcare Centre

SUMMARY OF REPORT:

This report is an addendum to the report contained in Items Deferred concerning Joeys Pouch Childcare Centre and its problems with white ants.

RECOMMENDATION:

That Council provides funds from its next budget review to fund the additional building rectification works, complete the building barrier treatment and to lower a concrete path and pavers at Joeys Pouch Educational Childcare Centre for an estimated total of \$15,000.

Reports from Director Environment & Community Services

REPORT:

This report is an addendum to the report contained in Items Deferred concerning Joeys Pouch Childcare Centre and its problems with white ants.

The original report was deferred to allow a meeting to occur on-site with the white ant treatment company and Council officers.

The meeting occurred on 1 August 2000. As was advised in the original report, additional white ant treatment is required at the building to complete the barrier treatment to the Australian Standard and is estimated to cost \$1,200/\$1,500. At this time the builder confirmed that most of the rectification works were completed, however, the ceiling areas of a store room were yet to be inspected for damage and depending on what was revealed, the estimate of works for which Council funds were sought was \$8,000/\$10,000.

The inspection also revealed that ongoing termite detection was going to be costly and difficult due to existing concrete paths and paving having been laid above weephole and flashing level.

While this works has not been carried out by or under supervision of Council it is considered that for this long term protection of the building that rectification works should be carried out at an estimated cost of \$3,500.

The estimated total of the works is \$15,000.

Accordingly, it is recommended that Council provides funds from its next budget review to fund the additional building rectification works, complete the building barrier treatment and to lower a concrete path and pavers for an estimated total of \$15,000.

Reports from Director Environment & Community Services

33. ORIGIN: Building Services Unit

FILE REF: DA2619/55 Pt1

REPORT TITLE:

Development Application for Small First Floor Addition to an Existing Dwelling Within Ridge Top Precinct - Terranora Village

SUMMARY OF REPORT:

A Development Application for a small first floor addition (sunroom/attic) to an existing dwelling within the ridgetop precinct of Terranora Village has been received by Council. Development Control Plan No 1 - Terranora applies to this area.

RECOMMENDATION:

That:-

- (a) The Development Application for the first floor addition (sunroom/attic) to the existing dwelling at Lot 230 DP 851495 No 10 Illawong Crescent, Terranora Village, submitted by Mr Royce Hall be approved, (whilst recognising the policy in Development Control Plan No 1 that dwellings in the ridgetop precinct should be single storey only), as the proposed dwelling addition will result in a similar maximum height to dwellings in the proximity.
- (b) The approval is subject to any conditions of approval imposed by the Director Environment & Community Services.

Reports from Director Environment & Community Services

REPORT:

Applicant: Mr Royce Hall
Owner: As Above
Location: Lot 230 DP 851495 No 10 Illawong Crescent, Terranora Village
Zoning: 2(d) Village

PROPOSAL:

An application has been received seeking approval for a small first floor addition (sunroom/attic) to be built upon an existing single storey dwelling at the above described location. When completed the building will have the appearance of a two-storey dwelling, when viewed from Terranora Road and from other north facing vantage points of the village.

HISTORY:

In 1980 Council adopted Development Control Plan (DCP) No 1 – Terranora. A prime objective of DCP No 1 was to protect the views of Terranora Broadwater from Terranora Road and to moderate the impact of residential development on the ridgetop. This being so required because of the importance of views which warranted some protection for residents and tourists.

On 23 February 1996 Council approval was granted for construction of a two storey dwelling on Lot 243, Corner Illawong Crescent and Bushranger Road. The dwelling was a 523m² structure upon a 610m² allotment.

Issues then considered were:-

- a) Fairness and equity to the owner of Lot 243 given that building approvals had been issued for dwellings which are considered to be not compatible with the one storey provisions.
- b) Sustaining the intent of the DCP 1 Amendment under circumstances of historic approvals and if the owner's (of Lot 243) Building Application was approved..
- c) Consistency of application of the DCP so as the provisions can be sustained for future Development Applications and to safeguard expectations of past and future purchases of lots within the ridgetop precinct, that a one storey development will occur on adjacent properties which may be perceived as having significant advantages for amenity, reduced overshadowing and quality of streetscape.
- d) How to preserve the longer term public interest of retaining viewpoints from Terranora Road across the ridgetop to Terranora Broadwater.

Council determined to approve the Building Application for Lot 243 when the Director Development Services and Director Environment and Community Services have negotiated design modifications to achieve reasonable compliance with DCP No 1 subject to any conditions imposed by the Director Environment and Community Services.

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

Reports from Director Environment & Community Services

STATUTORY CONSIDERATIONS:

(a) (i) Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is currently zoned 2(d) village under the provisions of TLEP 2000.

The proposed development is permissible with consent.

North Coast Regional Environmental Plan 1988

The proposed development is not inconsistent with this plan.

(a) (ii) DCP 1 – Dwellings in the Residential Areas

DCP 1 applies to the subject development

Section 3 of DCP No 1 states in part:-

“b. Particular care must be taken in design of houses within the ridgetop precinct shown on DCP map. This precinct generally follows the 80 metre contour line and is required to ensure that views north from Terranora Road are not entirely interrupted by housing development.

i. roofs should not comprise pale or reflective materials;

ii. dwellings should be single storey only unless the building is stepped down the hillside so that its highest part does not intrude above the height of a one storey building when viewed from Terranora Road.

iii. Elevations of dwellings facing Terranora Road shall have a maximum height above existing ground level of 3.5m to eaves with maximum excavation of 0.5m below existing ground level unless Council accepts additional excavation to be justified under exceptional circumstances.

The application does not comply with the requirements of the Development Control Plan in that:-

The roof of the proposed addition will be of a pale colour tone to match that of the existing roof; and

The dwelling will not be single storey when viewed from Terranora Road.

Discussions were held with Council’s Manager Development Control and Director Development Services, wherein it was confirmed the application does not comply with Section 3.3(b) of the Development Control Plan and therefore could not be supported for approval.

(b) Impact on the Environment

Height and Scale

The applicant’s intention is to construct a first floor addition above the existing dwelling. The room measures 4.800(m) x 4.400(m) and will have a tiled roof of

Reports from Director Environment & Community Services

an identical angle to the roof of the dwelling. The addition is proposed to be constructed to the rear of the dwelling. When viewed from the front street, the height of the overall building will be approximately 6,000(m) to top of roof.

Visual Impact

When viewed from Terranora Road and from within the village the new roof line will be quite pronounced as it is located within a prominent position upon the ridgeline of the village.

(c) Suitability of the Site

The site is suitable to accommodate the development.

(d) Any Submissions

The applicant has advised his neighbours within the immediate vicinity of the property. Five property owners have signed letters of non-objection to this proposal. These have been forwarded to Council as part of his application.

(e) Public Interest

Council is advised that the application is not consistent with the DCP. Continued variation of this policy may lead to the degradation of the visual quality of the ridgeline and therefore the support of this application is not considered to be in the public interest.

The applicant (Mr Hall) states the reason for his application is to again take advantage of the view of the Broadwater and northwards, that he lost from his lounge observatory, with the construction of a two storey dwelling with a high set roof, on the allotment immediately to his north.

On 13 October 1998 approval of a two storey dwelling on Lot 228 Bushranger Road was granted. This allotment is not within the ridgetop precinct. Mr Hall objected to the proposal of the two storey dwelling on the grounds of "*view loss and building height.*"

The applicant/owners of Lot 228 were notified of Mr Hall's objection. They advised Council they had obtained their own legal advice which confirmed that their dwelling as proposed complied with legal requirements and covenants.

Mr Hall also advises approval of his proposal would have less impact than the impact of his neighbour's dwelling upon Lot 231 Illawong Crescent.

Whilst this may or may not be agreed with, it is fact that his neighbour's dwelling is single storey in elevation when viewed from Terranora Road and consequently, approval was granted due to its compliance with DCP 1.

Reports from Director Environment & Community Services

10 Illawong Crescent,
Terranora,
N. S. W. 2486
(Phone 07-55904980)
31st May, 2000.

P.F. 2619/55

General Manager,
Tweed Council,
P.O. Box 816,
Murwillumbah,
N. S. W. 2484

Dear Sir,

Development Application - Lot 230 DP 851495 No 10 Illawong Crescent, Terranora.

The following details are forwarded in support of the enclosed application for your consideration in respect of an attic addition to my premises:

Firstly, in order to acquaint you with my personal situation, I am a TPI veteran of WW2 vintage, who, among other disabilities, suffers from post-war trauma. I am loath to mention this but feel it necessary if I am to make you fully cognisant of my particular position in the matter. I purchased lot 230 for the express purpose of acquiring a home with a desirable view where my wife and I could spend the rest of my somewhat limited life in peace and harmony. Although lot 230 was of less desirable terrain than other vacant blocks available at the time, in that it had a fairly steep two-way fall of about 6 metres, had evidence of erosion, also was more expensive, nevertheless I acquired it because of its superior view potential after being assured that such could not be subsequently lost.

My new residence (single-storey with some excavation under the main bedroom to provide for a workshop/storage area without internal walls) was erected on said land and completed at the beginning of October 1998, however before we could take up occupation and enjoy the view of Terranora Broadwater (lake) which we were so looking forward to, I became aware that an application had been lodged with the Council for construction of a residence on lot 228 below. To my dismay I found that this building was to be in excess of 2 storeys high at its northernmost point, with 2.7 metre ceilings and what ultimately turned out to be a high-pitched iron roof of 3 metres or more in height, also that Council had already approved the application but had not yet officially advised the applicants owing to an outstanding matter.

A letter of objection was lodged by me in which it was pointed out, that with the advent of such a high construction going ahead, it would create an anomaly resulting in me suffering discrimination from the event. This would be so, because whereas I was restricted to only having a single-storey building in order to limit any intrusion on the view of others higher up, the applicants of lot 228 directly below were apparently devoid of any such restriction and so, conversely, were able to do to me what I was prevented from doing to others, i.e. materially interfere with somebody else's view.

Resultant of the protest, I was informed that Council would write to the applicants to request their consideration to lowering the height of the ceilings and/or their roof to alleviate the problem. This was

Reports from Director Environment & Community Services

Reports from Director Environment & Community Services

2.

subsequently done, however it proved to be unsuccessful when the owners of lot 228 replied indicating that they had obtained legal opinion to the effect that they did not have to vary the construction and so declined to do so. Council accordingly then advised me of the abortive attempt - refer letter from the Manager Building Services dated 13 October 98; ref. DA0866/105 Pt1 500.

On 28th May 1999 I belatedly wrote to thank Council for the effort on my behalf, even though it had proved unsuccessful, and advised that I intended to extend my verandah to provide some improvement in the view situation externally. The extension was subsequently completed (file No DA2619/55 Pt1). Unfortunately the attempt has failed to provide me with the satisfaction I had hoped for. Naturally no improvement to any viewing resulted from inside the house, in fact to the contrary, and use of the exposed northern end of the verandah extension, which did provide some external view improvement, has necessarily been curtailed due to a skin problem of mine - I am obliged to avoid sun or windburn as much as possible due to having contracted malignant skin cancer from past service in the tropics.

This situation has been exacerbated by the added effect from the somewhat blinding reflections of the sun off the glossy, light-green, corrugated-iron roof on lot 228 during certain periods of the day. I erected a large umbrella in which to sit under, but was forced to abandon ship after a while from the effect of the ultra-violet rays reflected from the roof. It seems I can't take a trick no matter what I try to do. (Refer attachment 2 which reveals the extent of the view loss from our lounge observatory).

In desperation I came up with the attic alternative which hopefully should provide an acceptable solution to the dilemma. Fortunately I have no difficulty in climbing stairs, so would be able to take full advantage of the view I originally outlaid extra money for and have been deprived of since taking up residence. It would not only reinstate the uninterrupted panoramic view of the lake and beyond for my wife and I, but would also put us above the reflective range of the offending roof below. Moreover, it would help to restore some of the property value lost due to the advent of the obstructing building, but, perhaps more importantly from a personal point of view, it would greatly help to induce an all-important sense of contentment in my life.

In support of this application, I would like to point out that the part-raising of the roof to accommodate the inclusion of the attic would bring it (the roof) up to only a little over 3 metres in height (currently less than 2 metres), which would then put it on a par with the roofs of my next-door neighbour (lot 231), the residence on lot 240, also that of the obstructing building situated below my property as previously detailed. Additionally, I would like to point out that approval was apparently obtained by the owner of corner lot 243 to erect a full 2-storey house which puts it "head and shoulders" above other buildings on the minor ridge-line, including mine. While some excavation was done on the high side of lot 243, the lower of the two floors finished above both road and ground levels on the bottom side.

In my particular case, had I not excavated 900mm on the high side of the land for the residence as well as opting for a low roof - whereas I could have had a 3-metre one - the overall height of the construction would have been higher than that now proposed with the attic addition. If the roof were to be raised as per the proposal, it would still finish notably lower in level than that of my next-door neighbour's roof (lot 231). This is so because of no excavation having been made for his residence on the high side, and the land being on a naturally higher plane than mine. (Refer attachments 4 & 5 re photographs of my and neighbouring buildings).

I would also like to state that I voluntarily had the builder's standard plan of my residence reduced in depth so that it wouldn't extend beyond the neighbours' residence on lot 231, otherwise it might have

Reports from Director Environment & Community Services

3.

interfered with their angled view of the lake. In so doing, the area of living space, including the double garage, was reduced to 17.8 squares, whereas the minimum requirement under the existing covenant was 18 squares. With the advent of the attic, this discrepancy would be rectified.

As to any possible visual impediment that could be experienced by property owners on higher levels, there would be no effect for the most part and only minimal effect for the small remainder. This would be so because the proposed addition is to be located towards the rear half of my residence, whereas the high dutch-gable roof on my next-door neighbour's house is towards the front, which should completely blanket the added construction from the angled view enjoyed by most other higher-up parties (the front of the attic will be 7 metres behind the line of the neighbouring dutch-gable, with the highest point 9 metres behind). Likewise, the high roof on lot 240 farther up on the other side of the street should also help to obscure the addition. Furthermore, it is my intention to have the visible portion of the attic walls (approx. 1.25 metres high front and rear) painted the same light colour as the roof tiles (manor stone), thereby making the construction as unobtrusive as possible.

While my residence is generally out of sight from Terranora Road, it can however be partially observed from the junction of Henry Lawson Drive and Terranora Road, but, in this regard, the impact is nowhere near as much as that currently created by my neighbours' residence (lot 231) or that of the 2-storey residence on lot 243. In the case of the latter property, the lateral encroachment into the lake view is several times greater than that of my property when viewed from the junction area.

With the advent of the attic inclusion in my residence, in spite of the raising of a section of the roof, by my calculation the new height would still remain visually less (certainly no more) than that of the other two properties mentioned, also substantially still less in respect of a total intrusive effect. In fact, it could be said that the relatively small addition would merely constitute some "levelling of the playing field". At present I feel like a poor relation when compared with surrounding residents, all of whom enjoy uninterrupted views. To be denied the same privilege under the prevailing circumstances, to my way of thinking would constitute a double dose of discrimination. I hope you will forgive me if I appear to be belabouring this matter unduly, but I would hate for the battle to be lost for want of sufficient ammunition.

In respect of other near property owners on the opposite side of the street, they have been approached in the matter and shown an interim plan of the proposal and have responded by offering no objection whatsoever and have signed a statement accordingly - refer attachment 1. In their situation they have no forward view of the lake area in any case, but alternatively enjoy a view of the countryside and mountains to the rear. As previously intimated, out of all the residents opposite and those on my side of the street, my property is the only one which has suffered a decimation of view.

This attachment also includes signatures from my next-door neighbour, Mr K. Gleeson (lot 231), and from Mr S. McEwen (lot 228), the owner of the property below which initiated the view problem, also from the owner of the adjacent vacant lot 229 who will be building shortly - the nearest point of the attic would be 7 metres from his boundary.

In making this submission I would like to state that I am not asking for special treatment, even though I believe such could be well-deserved in this instance due to the circumstances outlined, but am merely desirous of receiving equal consideration to that apparently accorded to some others - actually less than was seemingly obtained by the owner of lot 243; neither do I believe an approval would create a precedent as it appears such

Reports from Director Environment & Community Services

4.

has already occurred - likewise in relation to lot 243. In any event, taken on merit, I can't see any other nearby residents claiming a situation comparable with mine to support any similar application in the future.

I am by no means a whinger by nature (my earlier letter represented my first foray into the realm of raising objections), nor am I trying to be devious or in any way clever. As a person presented with a seemingly soluble problem, I'm merely doing my utmost to try and remedy the situation for the betterment of my future welfare and at the same time redress a perceived wrong. I hope the Council will see the submission in that light and give it due consideration accordingly. This latest attempt of mine to resolve the situation would seem to be a compromise solution, one which, hopefully, should prove to be acceptable to all parties.

I hasten to add that I hold the Council in no way responsible for my present predicament - I have received the most courteous and helpful attention at all times in the past from Council officers - alternatively, it would seem that I am the victim of a peculiar set of circumstances not of my own making.

It may well be that such an approval will prove to be a mere formality and that this detailed letter in support of the application is entirely unwarranted. If so I apologise for any inadvertence on my part in the provision of such a protracted submission, but I didn't want to run the risk of failure for lack of adequate details considering the degree of importance the attic construction means to me. If brought to a successful conclusion, I can just visualise myself sitting like an eagle in my eyrie, fully relaxed, with feet up, looking at a restored, uninterrupted view and sipping mint juleps (actually nothing so grand as the latter - in all probability, barley-water or something similar instead). Even though involving an added expense that I hadn't counted on, I'm sure a successful conclusion would provide a vast improvement in my current situation and tend to show that perhaps the world is not such a bad place after all. As an added bonus, the front windows would provide a limited view of the mountains to the north-west to help compensate for all the financial expense and heartburn experienced in relation to the matter.

In conclusion I would like to advise that the proposed addition has been designed with the least possible alterations to the existing residence in mind (likewise cost); also it is the intention for said addition to be structurally sound, amply supported in accordance with engineering standards and acceptably aesthetic in nature.

I look forward to receiving your decision in due course.

Yours faithfully,

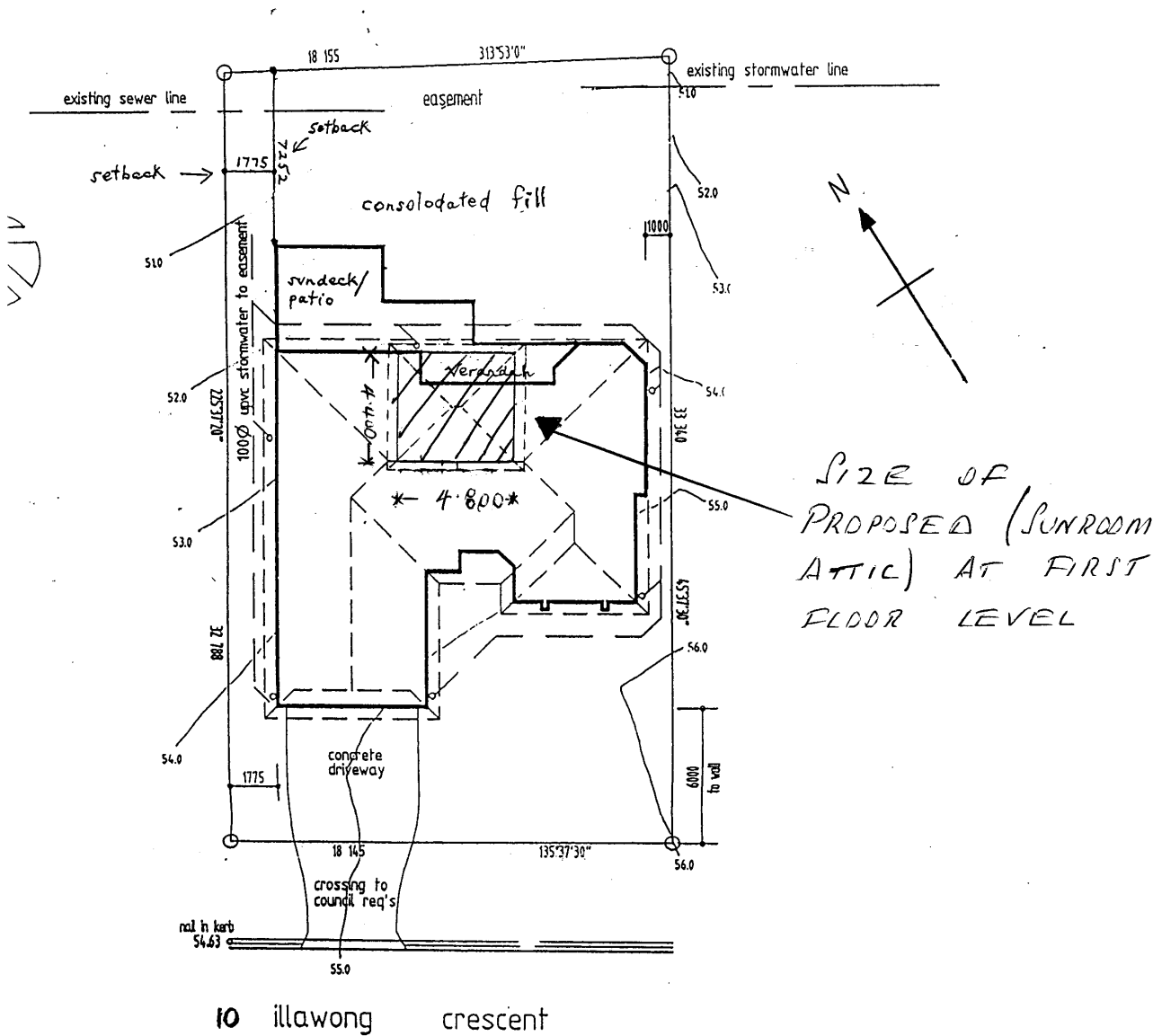


(R. W. Hall)

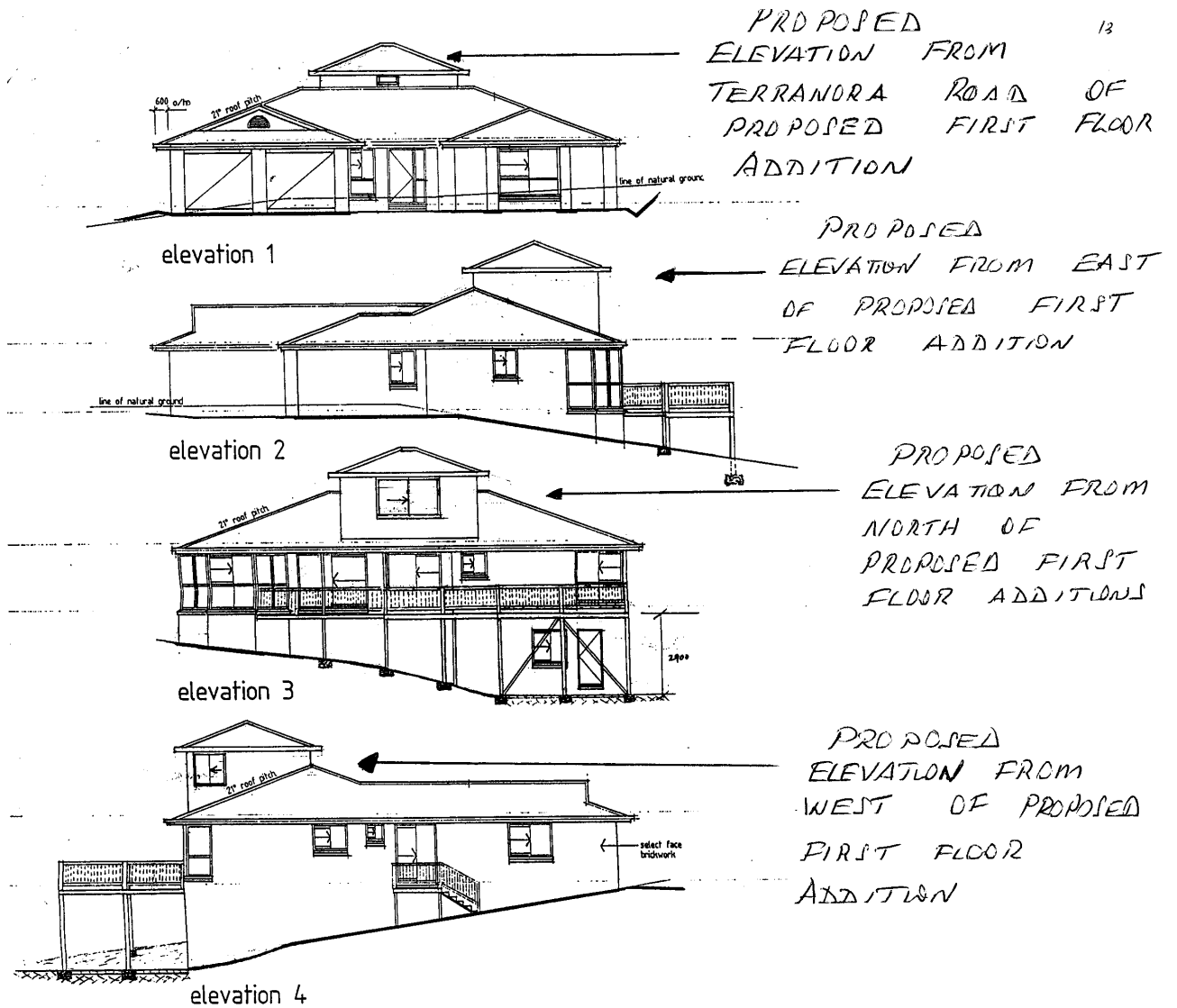
Attachments:

1. Declaration by owners of neighbouring properties
2. Photograph showing extent of view loss (taken from lounge room)
3. Photograph of my residence and those on lots 231, 240 & 241
4. Photograph of residences on lots 242 & 243
5. Photocopy of plan of lots in the district (my lot, 230, highlighted)

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

CONCLUSION:

Whilst recognising the policy in Development Control Plan No 1 that dwellings in the ridgetop precinct should be single storey only, this proposed dwelling addition will result in a similar maximum height to dwellings in the proximity, hence it is recommended that approval be granted.

Reports from Director Environment & Community Services

34. ORIGIN: Recreation Services Unit

FILE REF: Botanic Gardens

REPORT TITLE:

Botanic Gardens - Formation of Steering Committee

SUMMARY OF REPORT:

Council has been successful in its application through the Regional Assistance Program for funding to produce an economic feasibility study and implementation plan to progress the Tweed Shire Regional Botanic Gardens. To administer this project, and as a condition of funding, establishment of a steering committee is required.

RECOMMENDATION:

That Council approves a Steering Committee to produce a Tweed Regional Botanic Gardens Economic Feasibility Study and Implementation Plan represented by:-

- 2 councillors
- the General Manager
- the Director Environment and Community Services
- the Manager Recreation Services
- a representative from the Northern Rivers Area Consultative Committee (ACC) (the ACC representative is accepted as representing the Department of Employment, Workplace Relations and Small Business)
- a representative of the business community
- a representative from the “friends of the botanic gardens”.

Reports from Director Environment & Community Services

REPORT:

BACKGROUND:

In 1998, Council produced a Master Plan for the Tweed Shire Regional Botanic Gardens (the Botanic Gardens). Council had acquired a substantial rural landholding in the Eviron-Stotts Creek locality for various purposes including landfill, waste recycling, cemetery, gravel extraction for road construction purposes and a regional botanic gardens. The master plan provides an integrated approach for the future management and use of the site, based on a resource and land suitability assessment, with the end use as a Regional Botanic Gardens.

THE ECONOMIC FEASIBILITY STUDY AND IMPLEMENTATION PLAN:

The next phase in progressing the botanic Gardens is producing an economic feasibility study and implementation plan. The establishment of a Botanic Gardens requires considerable capital input over a long time frame. Prior to committing funds to such a project, potential stakeholders (Council, State and Federal Government, Business interests etc) will require the details as presented in the economic feasibility study.

The implementation plan will detail the works outlined in the master plan to provide the timing and costing for works involved in constructing the botanic gardens.

REGIONAL ASSISTANCE PROGRAM FUNDING:

To produce the economic feasibility study and implementation plan, Council applied and was successful in receiving funding through the Regional Assistance Program (RAP), a program funded by the Department of Employment, Workplace Relations and Small Business (DEWRSB), represented by the Northern Rivers Area Consultative Committee (ACC). The amount funded through the RAP is \$35,000.

The initial step in progressing this project and a condition of funding is the establishment of a steering committee. The steering committee will produce a consultant's brief, review tenders, appoint a consultant and oversee and administer the project to the final document.

Consequently, it is recommended council approve a steering committee represented by:-

- 2 councillors
- the General Manager
- the Director Environment and Community Services
- the Manager Recreation Services
- a representative from the Northern Rivers Area Consultative Committee (ACC) (the ACC representative is accepted as representing DEWRSB)
- a representative of the business community
- a representative from the "friends of the botanic gardens".

Reports from Director Environment & Community Services

35. ORIGIN: Environment & Health Services Unit

FILE REF: Noxious – Insects & Pests

REPORT TITLE:

Entomological Control Report for Period May to July 2000 and Annual Summary of Biting Insect Control

SUMMARY OF REPORT:

The following report outlines nuisance insect and vermin control carried out during May-July 2000. A summary of biting insect control carried out over the last year is also included.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

BITING MIDGE

Seasonal Activity

Biting midge nuisance complaints have remained low throughout the season. There were 2 biting midge related enquires /complaints from residents over the report period.

Control

Biting midge canal larvicide treatments began in July with The Anchorage, Crystal Waters and Tweed Waters estates being completed. The remaining canals will be completed in August. The following table shows average pre and 72 hour post spray midge larval numbers per 1 litre sand sample at the sprayed canals.

Canal sprayed	Pre-spray count	Post-spray count
The Anchorage	22.5	0.6
Crystal Waters	10.5	0.1
Tweed Waters	18.8	2.1

MOSQUITOES

Seasonal activity

Mosquito breeding was light over the report period with a little activity in the saltmarsh areas and some patchy activity in fresh to brackish water areas..

Carbon dioxide baited traps recorded very low numbers of mosquitoes over the report period. The domestic container breeding mosquito *Aedes notoscriptus* was the most commonly caught mosquito in traps.

Flood gates at Cobaki were vandalised during very high tide periods in early July. Ineffective gates allowed salt water to flood back into brackish and fresh water habitats. Whilst salt water flushing of drains can have environmental benefits in some areas, flow rates, site selection and timing are important. Salt water incursions into fresh water wetlands at Cobaki destroyed salt intolerant aquatic plants and killed aquatic larval stages of water beetles, dragon flies as well as winter breeding frogs and tadpoles at several sites. It is unfortunate that good mosquito larval predator complexes which had built up in these wetlands over the last 18 months have been destroyed. The decaying salt intolerant vegetation has also provided a stimulus and nutrient supply for brackish water breeding mosquitoes which were favoured by mild to warm mid July temperatures. Residents living near these gates have been asked to assist in monitoring any tampering or vandalism of the gates.

Reports from Director Environment & Community Services

Control

Ground based mosquito control, utilising biological larvicides, was limited to pockets of *Aedes vigilax* and *Ae. funereus* breeding around Cobaki, Tweed Heads South and Chinderah.

ARBOVIRUS

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

Australian Arbovirus / Mosquito Control Assoc. symposium

Entomological Officer attended 3 days of the above triennial symposium held on the Gold Coast in July. Presentations covered an excellent array of mosquito and biting midge topics. Of particular interest were sessions covering artificial wetland design to minimise mosquito breeding and research on canal breeding biting midge biology and larval habitat requirements.

OTHER PESTS

Rodents

Rodent control was carried out monthly around Tweed River rock walls and some infested reserves at Tweed Heads and Murwillumbah.

Cockroaches

Control of cockroaches in infested sewer lines at Murwillumbah and parts of Tweed Heads was carried out during July.

Miscellaneous

There were 39 requests for service, advice or identifications over the report period.

The majority of requests dealt with termites, ants and ticks.

ANNUAL SUMMARY OF BITING INSECT CONTROL

Biting midge

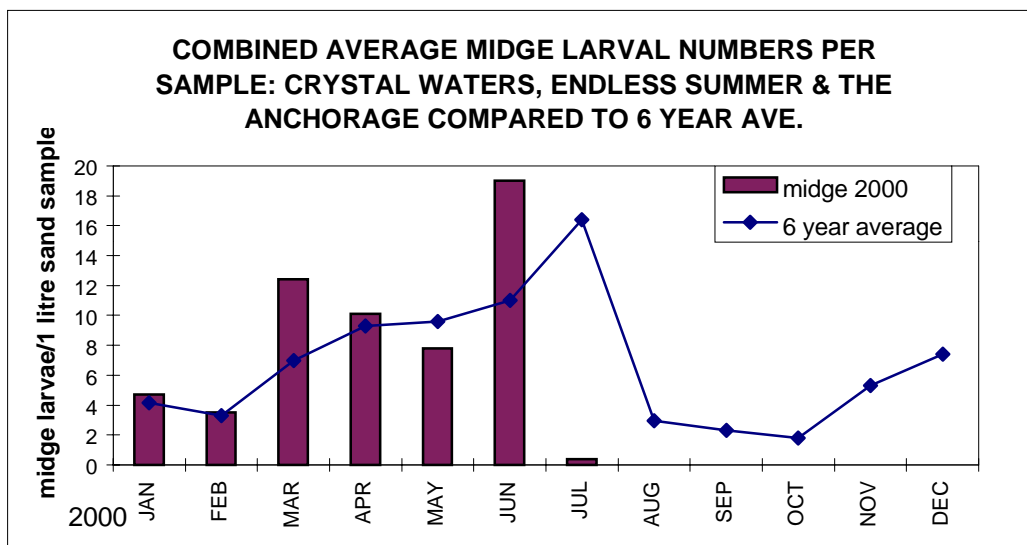
Seasonal abundance

Biting midge complaint numbers were well below average for every month of the year.

Midge larval numbers on canal beaches rose to well above average prior to canal sprays but were effectively controlled by larvicides.

The following graph depicts combined average biting midge larval numbers in 3 principal Tweed River canals compared to long term averages (note: July figure combined Crystal Waters & Anchorage only).

Reports from Director Environment & Community Services



Control

Biting midge larvicide treatments using Maldison 500 EC, applied at 500ml active ingredient / ha. were carried out to all midge infested canals during December 1999 with a second treatment started late July 2000.

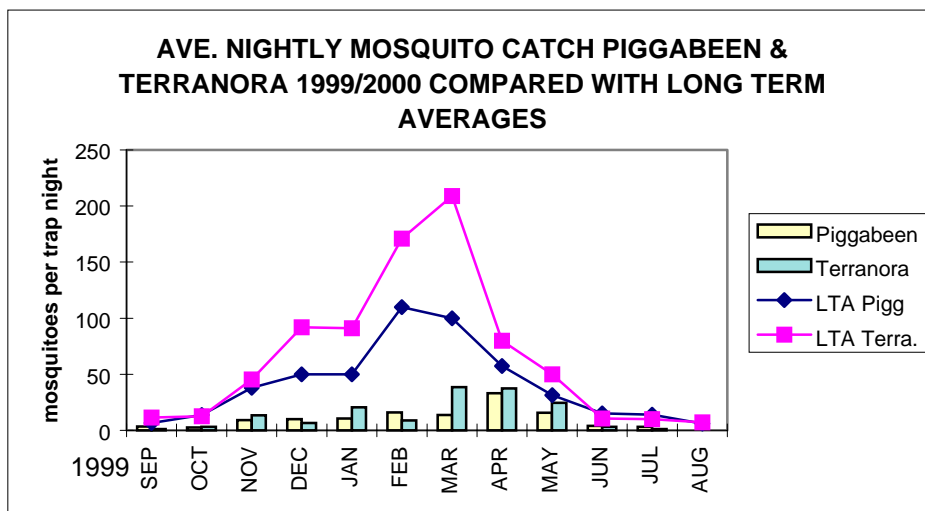
Mosquitoes

Seasonal abundance

The Tweed 1999/2000 mosquito season was one of the lightest on record. Adult mosquito catch numbers and complaint numbers were below average every month of the year. Saltmarsh breeding mosquito species were particularly scarce throughout the season. The only mosquito species regularly caught was *Ae. notoscriptus*. The brackish water breeding *Culex sitiens* was occasionally abundant.

The following graph depicts average nightly mosquito catches at West Tweed Heads and Terranora this season compared to long term averages.

Reports from Director Environment & Community Services



Control

Control activity was principally ground based application using the biological larvicide Bti and the insect growth regulator methoprene applied to *Ae. vigilax* and *Ae. funereus* breeding areas.

Two aerial applications to control saltmarsh mosquitoes were necessary during the season. Abate sand granules were applied in November to 17 hectares at Terranora and during February to 15 hectares at Bilambil.

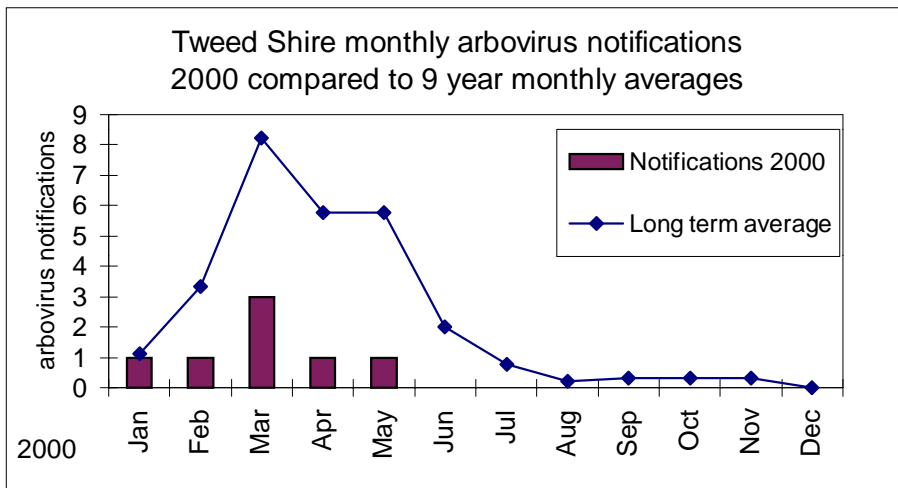
Arbovirus

Arboviral activity was very low for the season with only 5 Ross River virus and 2 Barmah Forest virus notifications during the last year. The previous year saw 64 reported arbovirus cases.

There was no virus detected in the 1,000+ mosquitoes trapped at Tweed Heads and Terranora and sent to Sydney's Westmead Hospital as part of the State Arbovirus Monitoring Program.

The following graph depicts arbovirus notifications this year compared with long term monthly averages.

Reports from Director Environment & Community Services



Research

Research by Tweed Entomological Unit, titled “Control of acidic drain-water breeding mosquitoes in NSW Australia, by installing controlled leakage holes in tidal flap gates” was published in the March 2000 Journal of the American Mosquito Control Association.

SEASONAL OUTLOOK, BITING INSECTS 2000/01

Biting midge

Biting midge breeding potential on Tweed River foreshores and islands is likely to increase this season due to increased tidal ranges associated with the Tweed River entrance dredging and sand by-pass project. Dredging of the Tweed entrance several years ago caused temporary increases in tidal range in the river, the substantially increased intertidal zone appeared to be quickly colonised by biting midge larvae. Complaints from residents increased markedly that year but returned to slightly above average the following year. It is likely that biting midge are early colonisers of new suitable intertidal habitat.

Mosquitoes

Low rainfall in June, followed by dry conditions during July, allowed many Tweed wetland areas to dry out. The loss of predator complexes at these sites, plus tidal inundations into previous freshwater wetlands, exacerbated by vandalised flood gates, will probably lead to increased mosquito breeding during the coming season. Salt residues, left by tidal inundations into previous freshwater areas, will favour salt and brackish water breeding mosquitoes. Saltmarsh breeding mosquitoes tend to generate far more complaints from residents as these mosquitoes bite aggressively and don't go off duty through the day. Residents tolerance of nuisance mosquitoes will also be diminished due to the last two relatively mosquito free seasons where regular rainfall helped maintain mosquito predator populations and allowed good flushing in areas where mosquito focussed habitat modification has been carried out.

Increased mosquito larval control measures are expected to be necessary during the coming season.

Reports from Director Environment & Community Services

36. ORIGIN: Environment & Health Services Unit

FILE REF: Youth Matters

REPORT TITLE:

Counterpoint Concerts

SUMMARY OF REPORT:

Council is advised that a recent meeting was held between Police, Councillors, Council Officers and Counterpoint Organisers to develop strategies to reduce anti social behaviour that appears to be associated with these events.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council will recall that at its meeting on 2 August 2000 it considered a letter from the managers of a business premises at Coolangatta containing information about the behaviour of youths who were alleged to have been at the Counterpoint Concert conducted at the Tweed Heads Civic Centre.

Council is advised that in relation to the future of Counterpoint concerts a meeting has subsequently been held at the Tweed Heads Police Station on Monday, 7 August.

Present at the meeting were officers Bob Brown, Murray Baker, Karen Hutchinson, Stuart Crawford, Councillors Lynne Beck and George Davidson, Council Officers Dr John Griffin, Don Buckley and Geoff Edwards and an organiser of the Concerts, Ron Cooper.

The meeting focused on strategies to reduce anti-social behaviour, which appears to be associated with the Counterpoint Concert albeit not necessarily by patrons actually attending the concert.

Initiatives to be introduced over the period of the next couple of concerts include:-

- Joint media release to highlight the need for more parental involvement, including collection of young people from the venue or bus drop off points.
- Introduction of stamping of patrons on entry to verify to parents their attendance.
- Possible need of personal identification as a condition of entry to concerts.
- Possible video taping of youth who congregate outside the venue but do not enter.
- Increased support from liquor outlets to ensure alcohol is not available to minors.
- Possible breath testing of patrons.
- Placement of conditions of entry on tickets to advise conditions.

Accordingly, it was decided that a further review of the concerts would occur after the introduction of these and other possible strategies to evaluate their effect.



Dr J Griffin
General Manager

Reports from Sub-Committees

1. Minutes of the Sports Advisory Committee Meeting held Tuesday 18 July 2000

Sports Advisory Committee

VENUE:

Buchanan Depot, Murwillumbah

TIME:

5.00pm

PRESENT:

Committee Members: Crs Max Boyd, Cr Warren Polglase, Cr Phil Youngblutt; Mr Stewart Brawley, Mr Merve Edwards, Ms Leanne Sharp, Mr Ken Baldwin, Mr Peter Moschogianis, Mr Ron Brisby, Mr Ross Conlon.

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Cr Lawrie, Mr Kevin Brennan, Mr Andrew Walker, Ms Glennys Kenny

CONFIRMATION OF MINUTES:

Moved: Philip Youngblutt

Seconded: Leanne Sharp

RESOLVED that the Minutes of Sports Advisory Meeting held Thursday 20 June 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

2. Tumbulgum Rangers Sports Club

Stewart Brawley is liaising with the club and Council's planning and design unit on the proposed works at the grounds. A Development Application will be required addressing potential acid sulphate soils, among other issues.

CORRESPONDENCE:

1. Tweed District Cricket Association - Winter Cricket & Super 8's Carnival

The association requested use of a wicket for winter cricket and early use of Rabjones and Les Cave fields for a Super 8's Carnival. A meeting has been organised for 19 July with TDCA representatives and Council staff to discuss these and other issues.

Reports from Sub-Committees

Hockey advised that they do not require the use of Rabjones during winter unless for overflow in the event of a carnival or similar event. Saints Soccer Club may have an interest in some form of utilisation of Rabjones.

2. Tweed Coast Raiders - Signage

Sports Advisory Committee

On an area of land adjacent to the Les Burger Field there was an existing blank sign, used in the past for advertisement for the Tweed Coast Raiders Football Club. The Pottsville Tavern has contributed \$3000.00 as major sponsors, and had the sign re-painted advertising the Tavern.

Council has been advised that a development application was not submitted prior to the sign being painted and the Pottsville Tavern has been requested to remove the sign.

The Raiders Football Club requests that the Sports Advisory Committee supports the club in applying to Council to allow some form of sponsorship signage to remain.

Moved: Cr Youngblutt

Second: Merv Edwards

RECOMMENDATION:

That Council gives favourable consideration to a Development Application to be submitted for advertising signage at the Les Burger Field. In the interim, the existing sign be allowed to remain.

3. Coolangatta - Tweed Barbarians Rugby Union Club Inc (TBRUC)

The TBRUC expressed interest in establishing a home ground on an area of land north of stages 5,6,7 and 8 of Banora Waters. TBRUC propose to establish and maintain the fields, construct an amenities block/club house and any necessary carpark.

Stewart Brawley to investigate status of the land.

GENERAL BUSINESS:

1. Sporting achievements

Tweed Heads Soccer player, Jace Kenny could be on his way to Germany with a Queensland under-16 touring squad after being named player of the series.

Reports from Sub-Committees

2. Les Burger Field - boundary alterations

Stewart Brawley advised that after an on-site meeting with National Parks and Wildlife and Cr James, an agreement to boundary alterations to accommodate additional sports field was reached. Formalisation of acceptance of this proposal with NPWS and DLWC is still required.

3. New South Wales Sport and Recreation Grants

Grant applications are now available from Council or on the internet. Regional grants will be available in October.

4. Regional Assistant Program Funding

Sports Advisory Committee

Funding through the Regional Assistance Program released in August, December and March 2001. Considerable funds are allocated to successful projects. The committee agreed that the Murwillumbah Pool could do with refurbishment if sufficient funds were available through such a program.

Moved: Cr Max Boyd

Second: Ken Baldwin

RECOMMENDATION:

That Council pursue sources of financing funding through the RAP program and New South Wales Sport and Recreation Grants for the refurbishment of Murwillumbah Pool.

5. Sustagen Sports Grants

Ron Brisby advised that the Rowing Club applied for a grant for a marquee from the Sustagen Company and that the club was successful in obtaining \$2,500.00. In return they place the Sustagen logo in 3 of their news letters.

6. Walter Peate Field

Merv Edwards complimented Council on works undertaken to upgrade Walter Peate Fields. Mr Edwards suggested this may now present an ideal site for another turf wicket.

Reports from Sub-Committees

Stewart Brawley advised that the Little Athletics fixtures such as concrete discus circles may exclude this option. Additionally, any proposals for further turf wickets in the Shire will require extensive consideration and should be made via the Tweed District Cricket Association.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 15 August 2000.

The meeting closed at 5.50pm

Director's Comments:

1 In relation to Item 2 it is recommend that Council notes the opinion of the Committee in relation to the signage at Les Burger Field.

2 In relation to Item 4 that the possibility of Regional Assistance program funds being obtained for the Murwillumbah Pool be referred to the Director Environment Community Services.

Reports from Sub-Committees

2. Minutes of the Companion Animal Committee Meeting held Monday 7 August 2000

Companion Animals

VENUE:

Rous Room

TIME:

8.00am

PRESENT:

Committee Members: Clr Wendy Marshall, Len Greer (Chairperson), Peter Ainsworth, Terry Lintern, Audrey Rennison, Don Buckley and Alma McAllister.

APOLOGIES:

Rob Philp & Digby Moore.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Companion Animal Committee meeting held Monday 3 July 2000 be accepted as a true and accurate record of the proceedings of that meeting.

AGENDA ITEMS:

1. Off Leash Exercise Areas

Companion Animals

Terry Lintern advised Committee that the beach off leash area at South Fingal could be increased, resulting in a more convenient outcome for dog owners. At the moment he stated that owners have to walk too far to the exercise area. The matter was discussed at length. The area will re-considered during the annual review.

Audrey Rennison questioned the practicality of off leash areas and whether they are actually being used. Terry Lintern advised that he had observed the beach exercise areas being utilised frequently.

Peter Ainsworth is to discuss with Manly and Pittwater Council's whether they have approved exercise areas on their beaches.

2. Door Knock

Companion Animals

Terry Lintern advised that door knock was conducted at Murwillumbah during July, with 94 houses visited. Only 3 unregistered dogs were detected, which is considered a good indication that registration rates within the Shire are increasing. Council officers are also receiving more enquiries regarding registration, where the customers indicate the stimulus for their enquiry is the door knocks.

Reports from Sub-Committees

GENERAL BUSINESS:

3. Seabreeze Estate Pottsville

Companion Animals

Peter Ainsworth noted that the matter has been referred to the Department of Local Government for comment. Don Buckley indicated that he will forward to the Department additional information on this matter for consideration.

4. Educational Material

Companion Animals

The Rangers have received a number of new requests to visit schools with educational information. Alma McAllister noted the need for a balance between regulation and education, and fully supported the educational focus.

5. Membership

Companion Animals

Peter Ainsworth was requested to contact Christie Walker, Jeremy Cornford and Ronni Hoskisson to assess their interest in Committee. New members will be sought if these members no longer wish to be active.

Several verbal responses have been received to the recent letter to adjoining Councils regarding their interest in a Regional Committee. Councillor Marshall will discuss the matter further with Ballina Council, whilst Peter Ainsworth will contact Lismore Council.

6. Microchip Requirements

Companion Animals

Concern was expressed by Councillor Marshall regarding the requirement under the Act for dogs and cats to be microchipped from 12 weeks of age, which she indicated was not suitable for certain small breeds.

RECOMMENDATION

That Council forwards to the State Companion Animals Committee a letter of concern regarding the microchipping requirement for certain small breeds, with a recommendation that the Act be amended to require microchipping at the point of sale or 6 months of age, which ever occurs first.

Reports from Sub-Committees

NEXT MEETING:

Monday 4 September 2000

The meeting closed at 9.35 am.

Director's Comments:

- 1. There is no reason why the letter recommended under item 6 should not be forwarded to the Department and State Committee. It does warrant an explanation that Council's Committee does include experienced breeders of certain small dog breeds, who have raised concern over the microchipping requirement for small puppies.*

Reports from Sub-Committees

3. Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 2 August 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); Ms R James (Caldera Environment Centre); R Hagley, T Rabbidge (Department of Land and Water Conservation); B Loring ((NSW Fisheries); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); A Blundell (T & J Blundell); G Edwards, Ms J Lofthouse (Tweed Shire Council).

INFORMAL: Doreen Eaton (Environment and Health Officer, Tweed Shire Council).

APOLOGIES:

N Newell (State Member for Tweed); J Henley, G Judge, (Tweed Shire Council), L Tarvey (National Parks and Wildlife Service); Cr R Brinsmead, G Budd (Environment Protection Authority).

MINUTES OF PREVIOUS MEETING:

Moved: Cr M Boyd

Seconded: R Quirk

RESOLVED that the Minutes of Meeting held Wednesday 7 June 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Stotts Back Channel

Stotts Channel

Following site inspection and consultation between NSW Fisheries, NSW NPWS and the Drainage Union, the marked trees have been removed from Stotts Back Channel. Need to now pursue development of a Management Plan for the removal of obstructions in Stotts Back Channel.

Moved: R Quirk

Seconded: Cr M Boyd

RESOLVED that the Coordinator of the Tweed River Management Plan Advisory Committee, NSW Fisheries and NSW National Parks and Wildlife Representatives assist and liaise with the McLeod Creek Drainage Union to develop a Management Plan for maintenance of the back channel behind Stotts Island.

Reports from Sub-Committees

6. Water Quality and River Flow Interim Environmental Definition

Monitoring

The executive summary from the 1998 Report "Tracing Faecal Pollution using Sterol Biomarkers and Microbial Faecal Indicators in the Brunswick River, NSW" was distributed to the Committee with the meeting agenda. Doreen Eaton, Environment and Health Officer with Tweed Shire Council, discussed the various sites mentioned in the report with reference to land use.

The largest percentage of Faecal coliforms would appear to come from birds with localised effects from cattle and humans. A copy of the final report is to be obtained.

7. Water Birds Security Report

Fauna Protection

Deferred to next meeting.

9. Boat Ramp Maintenance

Boat ramps

A report was circulated to the Committee on the priorities for maintenance of boat ramps around the Shire. The total value of works required is estimated at over \$200,000 for seven of the nine existing boat ramps. It was noted that the program could be spread over a five year program subject to availability of funding. The highest priority ramps for upgrade works are Kennedy Drive, Tweed Heads and Tumbulgum.

Waterways Authority recommended that Council apply for matching funds through WADAMP. Grants are also available through the Department of Land and Water Conservation on a dollar-for-dollar basis.

Council to apply for matching funds from Waterways Authority to upgrade the two highest priority ramps, Kennedy Drive and Tumbulgum.

Discussion on the conflict between boaties using the Kennedy Drive boat ramp and other recreational users of Ray Pascoe Park. Potential to request commercial boat operators to use another site to pick up passengers such as the pontoons at Foysters Jetty. Other commercial operators could be required to use Fingal Head Boat ramp through conditions of Development Approvals.

Moved: Cr H James

Seconded: A Blundell

RESOLVED that a report be brought forward to the Committee from John Henley, Tweed Shire Council and Carl Cormack, Waterways Authority on the extent of commercial boating operations using public facilities in Tweed Shire.

Moved: Cr M Boyd

Seconded: R Quirk

Reports from Sub-Committees

RESOLVED that a preliminary feasibility study be done on the land adjacent to Foysters Jetty to assess the potential for creation of additional car parking.

Moved: Cr M Boyd

Seconded: C Cormack

RESOLVED that the Committee encourages Council to remove the old Fingal Head boat ramp.

1. Correspondence Inwards

- a) Confirmation from the Minister for Land and Water Conservation on Northern Rivers Water Management Committee representation by TSC and TRMPAC.
- b) Waterways Authority will consider \$ for \$ funding for boat ramp improvements.
- c) DLWC advice that Estuary Management Program funds can be eligible for upgrade and improvements to estuary related recreational facilities but that priority must be given to environmental projects.

Moved: Cr H James

Seconded: Cr M Boyd

RESOLVED that Council pursues opportunities for dollar-for-dollar funding through the Waterways Authority and Department of Land and Water Conservation as the Tweed River Management Plan Advisory Committee funds are unable to be utilised for these works due to the conditions of financial assistance through the Estuary Management Program of the NSW Government.

RECOMMENDATION:

That Council pursues opportunities for dollar-for-dollar funding through the Waterways Authority and Department of Land and Water Conservation as the Tweed River Management Plan Advisory Committee funds are unable to be utilised for these works due to the conditions of financial assistance through the Estuary Management Program of the NSW Government.

2. Correspondence Outwards

Noted

Reports from Sub-Committees

3. Tweed Estuary Ecological Health Monitoring Project Update and Newsletters Monitoring

Noted that the first sampling run for this project has been conducted and the second will be held in late August.

Discussion on the methods for printing and distribution of "Newsletter". Decided on the following:

- a) The newsletters are to be sent out separate to the Tweed Link.
- b) Investigate the cost involved with combining the four, four page issues into two, six page issues with distribution throughout the Shire.
- c) Provide an Executive Summary with simple terminology at the start of the brochure.

Noted that the project leaders from the University of Queensland will conduct a workshop and project update with the Committee at 12.00pm on Wednesday 30 August.

4. Tweed River Link Project Boating

This item was deferred to enable Mr John Foster to address the Committee on the project.

5. Draft Interim Water Quality Management Plan Water Quality

For discussion at the next meeting.

6. TRMPAC Logo Competition

Discussion on need for a new logo to be found through a competition within schools and the community. A brief report to be brought forward to the next meeting on details such as prizes, advertising potential and estimated costs.

Reports from Sub-Committees

7. TRMPAC Annual Report

Agreed that TRMPAC Annual Report should include a five year retrospective outlining the highlights and achievements of the Committee over that time. Format to be a full colour, four page A4 production with professional graphic design. Coordinator to get some initial ideas to next meeting for comment.

GENERAL BUSINESS:

8. Fingal Peninsula Wetlands Project

Wetlands

The Tweed Byron Local Aboriginal Land Council is ready to work with the Committee and commence works on the Fingal Peninsula wetlands rehabilitation. The two sites are the western side of Kerosene Inlet and Sponsors Lagoon. Geolink Consultants are just finalising the Development Application as Sponsors Lagoon is a SEPP 14 Wetland.

9. Tweed Landcare NHT Application

This Committee resolved at the 17 February 1999 meeting to support a Tweed Landcare Natural Heritage Trust grant application with a potential contribution of \$7000. Further details to be brought forward on the project from Rhonda James and a confirmation of support to be issued to the grant administrators.

10. Proposed Commercial Operators Jetty, Southern Boatharbour

Southern Boatharbour

An aerial photograph with an artist's impression of the current proposal for a commercial operators jetty in Southern Boatharbour was distributed for the information of the Committee.

11. Commercial Road Riverbank Rehabilitation Project

Riverbank Erosion

The Commercial Road Riverbank Rehabilitation Project has received some negative publicity with criticisms of work not fully completed and not being effective at arresting bank erosion. The coordinator is to monitor the effectiveness of the works six months after completion and review the budget for any further works. It was noted by Richard Hagley that this is a demonstration site for softer options.

Reports from Sub-Committees

12. Water Quality Monitoring in Cane Drains

Pollution - Water

Robert Quirk reported an improvement in water quality in Tweed drains with a reduced occurrence of problems compared with other Rivers in the State.

13. Dredging in the Tweed River

Dredging

Alan Blundell noted that Action Sands would be again dredging in the Tweed River at the southern end of Chinderah, providing dredging royalties to the State Government.

14. Hydrographic Surveys

Noted that a number of hydrographic surveys in the Tweed River had been undertaken as part of the Tweed River Entrance Sand Bypass Project. Coordinator to pursue obtaining copies of these surveys.

NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 30 August 2000 at the Canvas & Kettle Restaurant commencing at 9.30am.

The meeting closed at 12.30pm.

Director's Comments:

Nil

Reports from Sub-Committees

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

- 4. Minutes of the Public Transport Working Group Committee Meeting held Tuesday 25 July 2000**
- 5. Minutes of the Tweed Games Committee Meeting held Tuesday 18 July 2000**

Outstanding Inspections

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.

Outstanding Inspections

THIS
PAGE
IS
BLANK

Orders of the Day

1. Notice of Motion - Cr Lawrie

Bibles for Citizenship Ceremonies

Citizenship, Notice of Motion

That Council reinstates the practice of supplying Bibles for Citizenship Ceremonies.

2. Notice of Motion - Cr Marshall

Interest Charged on Overdue Rates - Lot 4 DP 624447 Pacific Highway, Tumbulgum

Rates Arrears, Notice of Motion

That the current interest being charged on overdue rates on Lot 4 DP 624447 Pacific Highway, Tumbulgum be curtailed for a period of two years, as from 1 July 2000 after which time the status of the account be reviewed.

Orders of the Day

THIS
PAGE
IS
BLANK

